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TITLE 3—THE PRESIDENT

PROCLAMATION 2954

TERMINATING IN PART PROCLAMATION NO. 2761A¹ OF DECEMBER 16, 1947 AND PROCLAMATIONS SUPPLEMENTAL THERETO, AND FOR OTHER PURPOSES

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

1. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by section 1 of the act of June 12, 1934, by the joint resolution approved June 7, 1943, and by sections 2 and 3 of the act of July 5, 1945 (ch. 474, 48 Stat. 943; ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410), the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said act of July 5, 1945, until the expiration of three years from June 12, 1945), on October 30, 1947, I entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of the said General Agreement and the said Protocol (61 Stat. (pt. 5) A7 and A11; *ibid.* (pt. 6) A1367 and A2051);

2. WHEREAS, by Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103), I proclaimed such modifications

of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement specified in the first recital of this proclamation on and after January 1, 1948, which proclamation has been supplemented by Proclamation No. 2769² of January 30, 1948 (3 CFR, 1948 supp., p. 21), by Proclamation No. 2867³ of December 22, 1949 (3 CFR, 1949 supp., p. 55), and the other proclamations specified in the second recital thereof, by Proclamation No. 2908⁴ of October 12, 1950 (3 CFR, 1950 supp., p. 63), by Proclamation No. 2929 of June 2, 1951 (16 F. R. 5381) and the other proclamations specified in the second recital thereof, and by notifications of the President to the Secretary of the Treasury of June 2, 1951 (16 F. R. 5386), June 29, 1951 (16 F. R. 6607), July 23, 1951 (16 F. R. 7379), September 10, 1951, as amended (16 F. R. 9215; 16 F. R. 9715), September 18, 1951 (16 F. R. 9551), October 2, 1951 (16 F. R. 10047) and October 31, 1951 (16 F. R. 11205);

3. WHEREAS the Secretary General of the United Nations has informed the Secretary of State that on March 6, 1950, he was notified that it was the decision of the Government of the Republic of China, which was then a contracting party to the said General Agreement specified in the first recital of this proclamation, to withdraw from the said General Agreement, in accordance with paragraph 5 of the Protocol of Provisional Application thereof specified in the first recital of this proclamation, and the Government of China is therefore no longer such a contracting party;

4. WHEREAS Article XXVII of the said General Agreement specified in the first recital of this proclamation provides as follows:

"Any contracting party shall at any time be free to withhold or to withdraw in whole or in part any concession, provided for in the

¹ 13 F. R. 467.

² 14 F. R. 7723.

³ 15 F. R. 6981.

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appropriate Schedule annexed to this Agreement, in respect of which such contracting party determines that it was initially negotiated with a government which has not become, or has ceased to be, a contracting party. The contracting party taking such action shall give notice to all other contracting parties and, upon request, consult with the contracting parties which have a substantial interest in the product concerned."

5. WHEREAS the concessions provided for in Part I of Schedule XX (original) of the said General Agreement specified in the first recital of this proclamation which are identified in the following list were initially negotiated with the Government of the Republic of China within the terms of the said Article XXVII:

Items (paragraph)	Rates of duty
54 [sixth].....	3¢ per lb., but not less than 22½% ad val.
718 (a) [first].....	Both rates.
718 (b).....	12½% ad val. [identified as to all articles except herring, sardines, fish cakes, fish balls, and fish puddings].
721 (e).....	4¢ per lb., including weight of immediate container.
730 [fifth].....	3/20¢ per lb. [identified only as to soybean oil cake and soybean oil-cake meal].
917.....	30% ad val.
1114 (b) [second].....	30¢ per lb. and 17½% ad val. [both such rates].
1529 (a) [fourth].....	60% ad val. [both such rates].
1529 (a) [fifth].....	60% ad val. [both such rates].

6. WHEREAS, in the sixth recital of the said proclamation of October 12, 1950, specified in the second recital of this proclamation, the concession on "whole chicken packed in air-tight containers" was excepted from the identification as to the second item 712 in Part I of Schedule XX (original) of the said General Agreement specified in the first recital of this proclamation, through a misunderstanding as to the product in which another contracting party to the General Agreement had expressed a substantial interest in the course of consultation pursuant to the said Article XXVII set forth in the fourth recital of this proclamation, and I determine that it will be required or appropriate to carry out the said trade agreement that the concession with respect to the following products provided for in the said second item 712, in which such other contracting party has expressed an interest, be applied after the close of business January 25, 1952.

"Chickens, prepared by removal of the feathers, heads, and all or part of the viscera, with or without removal of the feet, but not cooked or divided into portions";

7. WHEREAS, I determine that the rate of duty specified at the right of the description of products in the following item is the maximum rate which may be applied to such products in conformity with paragraph 3 of Article I of the said General Agreement specified in the first recital of this proclamation, that said maximum rate limitation is required or appropriate to carry out the said trade agreement specified in the first recital of this proclamation, and that the following item should be inserted in the appropriate numerical order in the list set forth in the seventh recital of the said proclamation of January 30, 1948, specified in the second recital of this proclamation:

1558 Articles manufactured, in whole or in part, not specially provided for:
Frog legs, prepared or preserved..... 12% ad val.;

8. WHEREAS the said trade agreement specified in the first recital of this proclamation was supplemented on April 21, 1951, by the Declaration on the Continued Application of the Schedules to the General Agreement on Tariffs and Trade, a copy of which, in the English and French languages, is annexed to this proclamation;

9. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended by the acts specified in the first recital of this proclamation and by sections 4 and 6 of the Trade Agreements Extension Act of 1949 (63 Stat. 698), the period for the exercise of the said authority having been extended by section 3 of the Trade Agreements Extension Act of 1949 until the expiration of three years from June 12, 1948) on October 10, 1949, I entered into a trade agreement providing for the accession to the said General Agreement specified in the first recital of this proclamation of the Governments of the Kingdom of Denmark, the Dominican Republic, the

Republic of Finland, the Kingdom of Greece, the Republic of Haiti, the Republic of Italy, the Republic of Liberia, the Republic of Nicaragua, the Kingdom of Sweden, and the Oriental Republic of Uruguay, which trade agreement consists of the Annex Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, dated October 10, 1949, including the Annexes thereto (Department of State Publication No. 3664);

10. WHEREAS the said General Agreement specified in the first recital of this proclamation and the said Annex Protocol specified in the ninth recital of this proclamation are to be supplemented by the Fifth Protocol of Rectifications to the General Agreement on Tariffs and Trade, dated December 16, 1950, paragraph 3 of which Protocol of Rectifications provides that the rectifications contained therein shall become an integral part of the said General Agreement on the day on which the said Protocol of Rectifications has been signed by all the governments which are at that time contracting parties to the said General Agreement, which Protocol of Rectifications is authentic in the English and French languages as indicated therein, and a copy of which is annexed to this proclamation;

11. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended by section 1 of the act of June 12, 1934, specified in the first recital of this proclamation, the period for the exercise of the said authority having been specified in section 2 (c) of the said act of June 12, 1934, as three years from June 12, 1934) on January 9, 1936, the President entered into a trade agreement with the Swiss Federal Council, including two Schedules and a declaration annexed thereto (49 Stat. (pt. 2) 3918);

12. WHEREAS, by Proclamation of January 9, 1936 (49 Stat. (pt. 2) 3917), the President proclaimed the said trade agreement specified in the eleventh recital of this proclamation, which proclamation has been supplemented by Proclamation of May 7, 1936 (49 Stat. (pt. 2) 3959), and Proclamation of November 28, 1940 (54 Stat. (pt. 2) 2461);

13. WHEREAS on October 13, 1950, the said trade agreement specified in the eleventh recital of this proclamation was supplemented by the following provisions:

"1. If, as a result of unforeseen developments and of the effect of the obligations incurred by the Government of the United States of America or of Switzerland under the Trade Agreement signed in Washington January 9, 1936, including tariff concessions, any product is being imported into the territory of either country in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry in that territory producing like or directly competitive products, the Government of the United States of America or of Switzerland shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend

the obligation in whole or in part or to withdraw or modify the concession.

"2. Before the Government of the United States or of Switzerland shall take action pursuant to the provisions of Paragraph one above, it shall give notice in writing to the other Government as far in advance as may be practicable and shall afford such other Government an opportunity to consult with it in respect of the proposed action and with respect to such compensatory modifications of the Trade Agreement as may be deemed appropriate, to the extent practicable maintaining the general level of reciprocal and mutually advantageous concessions in the Agreement. If agreement between the two Governments is not reached as a result of such consultation, the Government which proposes to take the action under Paragraph one shall, nevertheless, be free to do so and, if such action is taken, the other Government shall be free, not later than ninety days after the action has been taken and on thirty days' written notice, to suspend the application to the trade of the Government taking action under Paragraph one of substantially equivalent obligations or concessions under said Trade Agreement. The Government taking action under Paragraph one shall then be free, within thirty days after such suspension takes effect, to terminate said Trade Agreement on thirty days' written notice. In critical circumstances, where delay would cause damage which it would be difficult to repair, action under Paragraph one may be taken provisionally without prior consultation, under the condition that consultation shall be effected immediately after taking such action. Where an action taken without prior consultation causes or threatens to cause serious injury in the territory of the other Government to the domestic producers of products affected by the action, that Government shall, where delay would cause damage difficult to repair, be free to suspend, upon the taking of the action and throughout the period of consultation, such obligations or concessions as may be necessary to prevent or remedy the injury."

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended by the acts specified in the first and ninth recitals of this proclamation, do proclaim as follows:

PART I

The said proclamation of December 16, 1947, and the said proclamations supplemental thereto specified or referred to in the second recital of this proclamation, are hereby terminated in part to the extent that they shall be applied, effective after the close of business January 25, 1952 as though the items and parts of items identified in the fifth recital of this proclamation, and that part of the said second item 712 identified in the sixth recital of this proclamation relating to "whole chickens packed in airtight containers", were deleted from Part I of Schedule XX (original) of the said General Agreement.

PART II

To the end that the said trade agreement specified in the first recital of this proclamation may be carried out:

(a) Effective after the close of business January 25, 1952 the rate provided for in the second item 712 in Part I of Schedule XX (original) of the said General Agreement shall be applied to the products in that part of the said item 712 described at the end of the sixth recital of this proclamation.

(b) Effective after the close of business December 26, 1951 the rate of duty specified at the right of the description of products in the item at the end of

the seventh recital of this proclamation shall be applied as if the said item were inserted in the appropriate numerical order in the list set forth in the seventh recital of the said proclamation of January 30, 1948, specified in the second recital of this proclamation, subject to the applicable terms, conditions, and qualifications set forth in the said list.

(c) Effective on and after April 21, 1951, the relevant provisions of the said General Agreement specified in the first recital of this proclamation (Article XXVIII thereof) shall be applied as supplemented by the said Declaration specified in the eighth recital of this proclamation.

PART III

To the end that the said trade agreement specified in the eleventh recital of this proclamation may be carried out, effective on and after October 13, 1950, the provisions of the said trade agreement shall be applied as supplemented by the provisions set forth in the thirteenth recital of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this twenty-sixth day of November in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the United States of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

JAMES E. WEBB,
Acting Secretary of State.

[F. R. Doc. 51-14190; Filed, Nov. 26, 1951;
4:04 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Peanuts-52) 1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR PEANUTS OF 1952 CROP

GENERAL

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS	
729.330	Allotments for new farms.
729.331	Normal yields for new farms.

AUTHORITY: §§ 729.310 to 729.331 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 362, 363, 52 Stat. 38, as amended, 62, as amended, 63, as amended; 7 U. S. C. 1301, 1358, 1359, 1362, 1363.

GENERAL

§ 729.310 *Basis and purpose.* The regulations contained in §§ 729.310 to 729.331 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm peanut acreage allotments and normal yields in connection with farm marketing quotas for the crop produced in the calendar year 1952. The purpose of the regulations in §§ 729.310 to 729.331 is to provide the procedure for allocating the 1952 State peanut acreage allotments among farms, for establishing allotments for farms on which peanuts were not produced in 1949, 1950, and 1951, but on which peanuts are to be produced in 1952, and for determining farm normal yields for peanuts. Prior to preparing the regulations in §§ 729.310 to 729.331, public notice (16 F. R. 10897) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1000-1010). The data, views, and recommendations which were submitted in accordance with such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 729.311 *Definitions.* As used in §§ 729.310 to 729.331 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Assistant Administrator" means the Assistant Administrator for Production, or the Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(b) *Committees.* (1) "Community committee" means the persons elected within a community, pursuant to regulations governing Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), to assist the county committee in the administration within the community of agricultural programs that are administered through the Production and Marketing Administration.

(2) "County committee" means the persons elected within a county, pursuant to regulations governing Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), who are generally responsible for carrying out in the county the agricultural programs administered through the Production and Marketing Administration.

(3) "State committee" means the persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(c) "Cropland" means farm land which in 1951 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable, noncrop, open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(d) "Director" means the Director, or the Acting Director, of the Fats and Oils Branch of the Production and Marketing Administration of the United States Department of Agriculture.

(e) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person)

which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(g) "Farm allotment" means the acreage allotment established for a farm pursuant to §§ 729.310 to 729.331.

(h) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1952 as determined by the county committee, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county committee that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however, That:*

(1) The farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds the larger of one acre or the farm permitted peanut acreage, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger;

(2) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment and the farm permitted peanut acreage are each equal to or less than one acre, and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; or

(3) The farm peanut acreage shall be considered equal to the farm permitted peanut acreage on a farm for which the farm permitted peanut acreage exceeds the larger of the farm allotment or one acre, if the acreage in excess of the farm permitted peanut acreage from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm permitted peanut acreage, whichever is larger; but the provisions of subparagraphs (1), (2), and (3) of this paragraph shall not apply unless the operator—

(i) Submits evidence satisfactory to the county committee that the picking or threshing of peanuts was completed before he received notice of the acreage planted to peanuts, or that peanuts were picked or threshed from an acreage in excess of the largest of the farm allotment, one acre, or the farm permitted peanut acreage notwithstanding an honest effort on the part of the operator to dispose of the excess by means other than by picking or threshing, and

(ii) A quantity of peanuts equal to the county committee's estimate of the production from the acreage in excess of the largest of the farm allotment, one acre, or the farm permitted peanut acreage is disposed of on the farm in such manner that the peanuts cannot thereafter be used or marketed as peanuts; *Provided further, That* the maximum acreage limit prescribed in subparagraph (1), (2), or (3) of this paragraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee

that the unusual circumstances from which the excess resulted are such that the maximum limitation should not apply.

(i) "Farm permitted peanut acreage" means the picked or threshed acreage of peanuts on the farm in 1947, or in 1948, if no peanuts were picked or threshed from the farm in 1947, as determined by the county committee in accordance with instructions issued by the Assistant Administrator.

(j) "New farm" means a farm on which peanuts will be produced in 1952 but on which no peanuts were picked or threshed in 1949, 1950, or 1951.

(k) "Old farm" means any farm on which peanuts were produced in any one or more of the years 1949, 1950, and 1951.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Peanuts" means all peanuts produced, excluding any peanuts not picked or threshed either before or after marketing from the farm.

(n) "Person" means an individual partnership, association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(o) "Secretary" means the Secretary, or the Acting Secretary, of Agriculture of the United States.

(p) "Tillable acreage available" means the acreage of cropland on the farm which the county committee determines is available for the production of peanuts in 1952, taking into consideration land uses and other crops grown on the farm and customary rotation practices: *Provided, That* the tillable acreage available for the production of peanuts for a farm shall not exceed the cropland on the farm minus the total of the 1952 acreage allotments established for other crops for the farm. If the 1952 acreage allotments for one or more crops are not established for the farm prior to the determination of the tillable acreage available, and it has been announced that allotments for such crops will be in effect in 1952, the farm allotments established for such crops for the last year allotments were in effect shall be used.

(q) "Tillable acreage factor" means the factor determined for each county (or for each community in a county, if the county committee determines that between communities there is a wide variation in the percentage of the tillable acreage available that is customarily devoted to peanuts) by dividing the tillable acreage available for all old farms in the county (or community) into the sum of the 1951 farm peanut allotments for all old farms in the county (or community).

§ 729.312 *Rule of fractions.* Farm allotments and farm permitted peanut acreages shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty thousandths of an acre or less shall be dropped. For example, 8.051 would be 8.1 and 8.050 would be 8.0.

§ 729.313 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator.

§ 729.314 *Approval of determinations.* The State committee or its authorized representative shall review farm allotments, farm permitted peanut acreages, and normal yields and the State committee may correct or require the correction of any determination made in connection therewith pursuant to §§ 729.310 to 729.331. Farm allotments and farm permitted peanut acreages shall be approved by the State committee or its authorized representative and official notice of the farm allotment and the farm permitted peanut acreage shall not be given to any person until such allotment and such permitted acreage have been so approved.

§ 729.315 *Application for review.* Any producer who is dissatisfied with the farm allotment, marketing quota or farm permitted peanut acreage established for his farm, may, within fifteen days after mailing of the official notice, file application with the county committee to have such allotment, quota, or permitted acreage reviewed. Farm allotments and marketing quotas shall be reviewed by a review committee in accordance with the marketing quota review regulations issued by the Secretary (7 CFR Part 711), a copy of which is available at the office of the county committee. Farm permitted peanut acreages shall be reviewed by the county committee. If a producer is dissatisfied with the decision of the county committee regarding the farm permitted peanut acreage, he may within fifteen days of the date of the notice of the county committee's decision, appeal the case to the State committee. The decision of the State committee is final.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 729.316 *Apportionment of State peanut acreage allotment to counties.* If the State committee recommends that the 1952 State peanut acreage allotment be apportioned to counties and the Secretary approves such recommendation, such allotment shall be apportioned among the counties in the State on the basis of the past acreage of peanuts harvested for nuts (excluding acreage in excess of farm allotments) in the county during the five years 1946-1950, inclusive, with such adjustments as are deemed necessary for abnormal conditions affecting acreage, for trends in acreage, and for additional allotments for types of peanuts in short supply under the provisions of Section 358 (c) of the Agricultural Adjustment Act of 1938, as amended. If the State committee determines that the reserves determined pursuant to § 729.320 shall be held as State reserves, the amounts of such reserves shall be deducted from the 1952 State peanut acreage allotment prior to apportioning such allotment to counties.

§ 729.317 *Determination of farm data.* The county committee shall obtain the following information for each old farm.

- (a) The name and address of the operator.
- (b) The total acreage of all land in the farm.
- (c) The acreage of cropland in the farm.
- (d) The tillable acreage available for the farm.
- (e) The farm peanut acreage for each year 1949, 1950 and 1951.
- (f) The 1949, 1950, and 1951 peanut allotments for the farm.

The data in this section shall be obtained from acreage measurements and other records in the office of the county committee; if not available from these sources, these data may be obtained from reports from farm operators or other interested persons or may be appraised by the county committee on the basis of production and marketing records or other available information.

§ 729.318 *Apportionment of State peanut allotment to farms.* If the 1952 State peanut acreage allotments is to be apportioned directly to farms in accordance with section 358 (d) of the Agricultural Adjustment Act of 1938, as amended, the State committee shall determine a total of the adjusted average peanut acreages for all old farms in the State. Preliminary acreage allotments for old farms shall be determined by multiplying the adjusted average peanut acreage determined for each old farm by a factor obtained by dividing the 1952 State peanut acreage allotment, minus (a) the reserves for corrections and for small farms determined pursuant to § 729.320 and (b) the reserve for adjustments determined pursuant to § 729.320 if adjustments are to be made after adjusted average peanut acreages have been determined, by the total of the adjusted average peanut acreages for all old farms in the State. Farm allotments shall be determined pursuant to § 729.323.

§ 729.319 *Basis of allotment.* A farm allotment shall be determined for each old farm (excluding farms on which less than one acre of peanuts was harvested in any year 1949, 1950 and 1951 unless the county committee has reason to believe that more than one acre of peanuts will be harvested on any such farm in 1952) on the basis of the following factors as hereinafter applied: the 1949, 1950, and 1951 farm peanut acreages, taking into consideration the 1951 peanut acreage allotment for the farm; abnormal conditions affecting acreage; tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts: *Provided, however,* That in establishing farm allotments pursuant to §§ 729.310 to 729.331, the following farm acreages shall not be taken into consideration: The peanut acreage determined to be in excess of the farm peanut acreage allotments established for the 1949, 1950 and 1951 crops; the peanut acreage

harvested on the farm in 1951 as a result of allotments made under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts; and the acreage allotment made to a farm under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts.

§ 729.320 *Determination of adjusted average acreages.* The county committee shall determine an adjusted average peanut acreage for each old farm in the county (excluding farms on which less than one acre of peanuts was harvested in any year 1949, 1950 and 1951 unless the county committee has reason to believe that more than one acre of peanuts will be harvested on any such farm in 1952) as follows:

(a) If peanuts were produced on a farm in 1951 for the first time since 1947, but no 1951 peanut acreage allotment was established for the farm, the county committee shall, on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts, determine an adjusted average peanut acreage for the farm which is fair and equitable in comparison with the adjusted average peanut acreages for other farms in the community which are similar with respect to such factors.

(b) For each old farm, excluding farms described in paragraph (a) of this section, the county committee shall adjust farm peanut acreages and establish adjusted average peanut acreages as provided herein:

(1) The county committee shall examine the 1949, 1950 and 1951 farm peanut acreages, giving consideration to abnormal conditions affecting the acreage for any such year, and the acreage for any year shall be increased to compensate for any reduction in the acreage resulting from such abnormal conditions; however, the acreage as so increased for any year shall not exceed the peanut acreage allotment established for the farm for that year.

(2) For farms for which new farm allotments were established for 1951, the smaller of the 1951 farm peanut acreage allotment or the 1951 farm peanut acreage as determined under subparagraph (1) of this paragraph shall be considered the allotment established for the farm for 1951 for the purpose of determining the adjusted average peanut acreage for the farm. If a farm acreage allotment was not established for 1951 for a farm on which peanuts were produced in any one or more of the years 1948, 1949, or 1950, the county committee shall determine an acreage for the farm which shall be considered the 1951 farm acreage allotment for purposes of establishing an adjusted average acreage for the farm. Such acreage shall be established in accordance with the regulations contained in §§ 729.210 to 729.231 of the marketing quota regulations for the 1951 crop of peanuts.

(3) The 1951 peanut acreage allotment for the farm shall be added to the 1949, 1950, and 1951 farm peanut acre-

ages determined under subparagraph (1) of this paragraph.

(4) The total acreage determined in accordance with subparagraph (3) of this paragraph shall be divided by 4, except that if the farm received a new farm allotment in 1950 the acreage determined under subparagraph (3) of this paragraph shall be divided by 3, or if the farm received a new farm allotment in 1951 the acreage determined under subparagraph (3) of this paragraph shall be divided by 2. The acreage determined for the farm in accordance with this subparagraph shall be the adjusted average peanut acreage for the farm, unless the county committee determines it is necessary that such acreage be decreased or increased, as provided in subparagraphs (5) and (6) of this paragraph, in order to establish an allotment for the farm which is fair and equitable in relationship to the allotments for other farms in the community. If such acreage is decreased, the decrease shall be based on the tillable acreage available for the production of peanuts on the farm. If such acreage is increased, the increase shall be based on farm peanut acreage for 1949, 1950 and 1951; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and the soil and other physical factors affecting the production of peanuts.

(5) The county committee shall examine the acreage determined for each farm under subparagraph (4) of this paragraph and may adjust such acreages downward if it determines that such adjustment is necessary to obtain an adjusted average peanut acreage for the farm which is comparable with the acreage established for other old farms in the community which are similar as to the tillable acreage available for the production of peanuts. If a downward adjustment is made, the adjusted average peanut acreage for the farm shall be not less than the smaller of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the 1949-51 average peanut acreage for the farm.

(6) An acreage not in excess of 5 percent of the acreage allotted for peanuts to all old farms in the State in 1951 shall be made available to county committees by the State committee for making upward adjustments for farms on the basis of the factors set out in subparagraph (4) of this paragraph. If the State committee determines that upward adjustments shall be made subsequent to the determination of the adjusted average peanut acreage for the farm, the adjusted average peanut acreage for each old farm in the State shall be the result obtained by subtracting the downward adjustment determined for the farm under subparagraph (5) of this paragraph from the acreage determined for the farm under subparagraph (4) of this paragraph. If the State committee determines that adjustments shall be made prior to determining adjusted average peanut acreages, the county committee may use the sum of the downward adjustments made in accordance with subparagraph (5) of this paragraph in addition to the acreage available under

this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted average peanut acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the largest peanut acreage for the farm for the years 1949, 1950, or 1951: *Provided, however,* That such limitation shall not be applicable if the State and county committees find that the adjusted average peanut acreage as determined under the limitation is relatively smaller in relation to the farm peanut acreages for 1949, 1950, and 1951, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm than the adjusted average peanut acreages for other old farms in the community which are similar with respect to such factors.

(7) The adjusted average peanut acreage for each old farm in the county shall be the acreage determined in accordance with subparagraph (4) of this paragraph plus or minus any upward or downward adjustment made pursuant to subparagraphs (5) and (6) of this paragraph.

(c) The adjusted average peanut acreage determined for the farm in accordance with the foregoing provisions of this section shall not exceed the tillable acreage available for the farm.

§ 729.321 *County reserves for corrections and for small farms.* The county committee shall estimate the percentage of the county allotment, or the percentage of the acreage that will be allotted to old farms in the county for 1952 if county allotments are not established, that will be needed for the correction of errors in farm allotments resulting from inaccurate or incomplete data used in establishing 1952 farm allotments. The county committee shall estimate the percentage of the total acreage of peanuts grown in the county during the three-year period 1949-1951 on land included in farms for which allotments will not be established because the peanut acreage on each of such farms in each of the years 1949-51, inclusive, was one acre or less. The reserves for corrections and for small farms recommended by the county committee shall be subject to adjustment by the State committee or its authorized representative. The acreages to be held as county reserves shall be determined by multiplying the percentages approved by the State committee by the county allotment. The State committee may determine State acreage reserves for the correction of errors and for small farms, in which case county reserves shall not be determined and the reserves will be held as State reserves.

§ 729.322 *County and State allotment factors.* (a) If the State allotment is to be apportioned to counties pursuant to § 729.316, a county allotment factor shall be determined for each county in the State by dividing the county share of the State allotment, less (1) the acreages set aside as reserves pursuant to § 729.321 if the reserves are to be held as county reserves and (2) the reserve for adjustments determined pursuant to § 729.320 if adjustments are to be made after ad-

justed average peanut acreages have been determined, by the sum of the adjusted average peanut acreage established for all old farms in the county.

(b) If county allotments are not established in a State, a State allotment factor shall be determined pursuant to § 729.318.

§ 729.323 *Allotments for old farms.* (a) If the State committee determined that the State peanut acreage allotment should be apportioned directly to farms, as provided in § 729.318, the preliminary allotment for each old farm in the State shall be the result obtained by multiplying the adjusted average peanut acreage for the farm by the allotment factor determined pursuant to § 729.318. If county acreage allotments are established pursuant to § 729.316, the preliminary allotment for each farm in the county shall be the result obtained by multiplying the adjusted average peanut acreage for the farm by the county allotment factor determined pursuant to § 729.322.

(b) If adjustments are to be made prior to determining preliminary allotments, as provided in § 729.320 (b) (6), the preliminary allotments determined pursuant to the foregoing provisions of this section shall be the 1952 farm allotments.

(c) If the State committee determined, as provided in § 729.320 (b) (6), that upward adjustments should be made subsequent to the determination of preliminary allotments, such adjustments shall be made on the basis of the factors set out in § 729.320 (b) (4). If an upward adjustment is made, the farm allotment shall not exceed the larger of (1) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (2) the largest peanut acreage for the farm for the years 1949, 1950, and 1951: *Provided, however,* That such limitation shall not be applicable if the State and county committees find that the allotment as determined under the limitation is relatively smaller in relation to the farm peanut acreage for 1949, 1950, and 1951; the tillable acreage available; and the labor and equipment available for the production of peanuts on the farm, than the allotment for other old farms in the community which are similar with respect to such factors. The 1952 farm allotment shall be the preliminary allotment for the farm determined in accordance with this section plus any additional acreage allotted to the farm as an upward adjustment from the acreage made available to the county committee by the State committee pursuant to § 729.320 (b) (6).

§ 729.324 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If peanuts were marketed or were permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact were produced on a different farm, the acreage allotments established for both such farms for 1952 shall be reduced, as hereinafter provided, except that such reduction for any farm shall not be made if the county commit-

tee determines that no person connected with such farm caused, aided, or acquiesced in such marketings.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all peanuts produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made.

(c) Any reduction shall be made with respect to the 1952 farm acreage allotment, provided it can be made 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1952 crop, such reduction shall be made with respect to the farm acreage allotment next established for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violations.

(d) The amount of reduction in the 1952 allotment shall be that percentage which the amount of peanuts involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such peanuts involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting seasons, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar; *Provided*, That the estimate of such actual production of peanuts on the farm shall not exceed the harvested acreage of peanuts on the farm multiplied by the average actual yield per acre on farm in the locality on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm as so estimated by the county committee, multiplied by the farm acreage allotment, shall be considered the farm marketing quota for the purposes of this section. In determining the amount of peanuts for which satisfactory proof of disposition of peanuts on the farm is not known, the amount of peanuts involved in the viola-

tion shall be deemed to be the actual production of peanuts on the farm, estimated as above, less the amount of peanuts for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 729.325 Allotments and permitted acreages for farms divided or combined—

(a) *Divisions.* If land operated as a single farm in 1951 will be operated in 1952 as two or more farms, the 1952 allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the divided farms in the same proportion as the acreage of cropland suitable for the production of peanuts for each such divided farm bears to the cropland suitable for the production of peanuts for the entire tract; except that the peanut acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1952 consists of two or more tracts which were separate and distinct farms before being combined for 1949, 1950, or 1951, be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment for the year for which combined; *Provided*, That with the recommendation of the county committee and the approval of the State committee, the allotment determined for a divided farm pursuant to the preceding provisions of this paragraph may be increased or decreased by not more than the larger of one acre or ten percent of the 1952 peanut acreage allotment determined for the entire tract, with corresponding increases or decreases made in the allotment apportioned to the other divided farm or farms; *Provided further*, That if a farm is to be divided for 1952 in settling an estate, the allotment may be apportioned among the divided farms in accordance with this paragraph or on such other basis as the State committee determines will result in equitable allotments.

If land operated as a single farm for 1951 is divided and operated for 1952 as two or more farms, the farm permitted peanut acreage for the entire tract shall be divided between the several farms in the same proportion as the 1952 allotment is divided, except in those instances where the land is being divided into farms identical to the 1947 farms. In such cases, the 1947 farm peanut acreage, or the 1948 farm peanut acreage if no peanuts were picked or threshed from the farm in 1947, shall be the permitted acreage for each farm. If the farms were combined for 1948 and no peanuts were picked or threshed on one or more of the farms in 1947, the farm permitted peanut acreage for each such farm shall be that portion of the farm per-

mitted peanut acreage for the entire tract that would have been determined for each such farm had the farm permitted peanut acreage for the entire tract been divided between the several farms in the same proportion as the 1952 allotment.

(b) *Combinations.* If two or more tracts which were operated as separate farms in 1951 are combined and operated as a single farm for 1952, the 1952 allotment shall be the sum of the 1952 allotments determined, or which otherwise would have been determined, for each of the tracts composing the combination, and the farm permitted peanut acreage for the combined farm shall be the sum of the farm permitted peanut acreages for the parts composing the combination.

§ 729.326 Release and reapportionment—(a) *Release of acreage allotments.* Any part of the acreage allotted for 1952 to an individual farm in any county under the provisions of § 729.323 and § 729.330 on which peanuts will not be produced and which the owner or operator of the farm voluntarily surrenders in writing to the county committee by the closing date established by the State committee, which shall not be later than June 15, 1952, shall be deducted from the allotment to such farm in accordance with instructions issued by the Assistant Administrator. If any part of the farm acreage allotment is permanently released (i. e., for 1952 and all subsequent years), such release shall be in writing and signed by both the owner and the operator of the farm.

(b) *Reapportionment of released acreage allotment.* The acreage allotments released under paragraph (a) of this section shall be reapportioned by the county committee, in accordance with instructions issued by the Assistant Administrator, to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor, and equipment available for the production of peanuts; crop rotation practices; and soil and other physical factors affecting the production of peanuts. Such reapportionment shall be made on the basis of applications filed on Form MQ-30-Peanuts (1952) by the farm owners or operators with the county committee not later than a closing date established by the State committee, which shall be not later than July 1, 1952.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) *Credit for acreage allotment released for 1952 only.* The release, for 1952 only, of any part of the acreage allotted for 1952 to individual farms, pursuant to paragraph (a) of this section, shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment in 1953 because peanuts were not produced on the farm in 1950, 1951, or 1952. Any

reapportionment of allotment under this section shall not operate to increase the allotment for any year subsequent to 1952 for the farm to which the acreage is reapportioned.

§ 729.327 *Reallocation of allotment released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production in 1950 or any subsequent year for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired; *Provided*, That such allotment shall not exceed 50 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of peanuts from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any peanuts produced on such farm have not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of peanuts produced on or marketed from such farm.

§ 729.328 *Additional acreage allotment for farms producing types of peanuts in short supply.* (a) The additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for 1952, less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any one of three years 1949, 1950, and 1951, on the basis of the average picked and threshed acreage of peanuts of such type or types (excluding excess acreage) on each such farm during such period. The reserve for the correction of errors shall be determined by the State committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of one percent of the additional acreage apportioned to the State.

(b) The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.329 *Normal yields for old farms.* The normal yield for any old farm shall be the average yield per acre of peanuts for the farm, adjusted for abnormal

weather conditions, during the five calendar years immediately preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee on the basis of the data which are available.

ACREAGE ALLOTMENTS AND NORMAL YIELDS
FOR NEW FARMS

§ 729.330 *Allotments for new farms.* (a) The acreage allotment for a new farm shall be that acreage which the county committee, subject to the approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the farm operator, the tillable acreage available, labor and equipment available for the production of peanuts on the farm, crop-rotation practices, and soil and other physical factors affecting the production of peanuts. The acreage allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor; *Provided, however*, That such limitation shall not be applicable if the State and county committees find that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors.

(b) Notwithstanding any other provisions of this section, an allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) An application for a new farm allotment is filed by the farm operator with the county committee prior to the closing date established by the State committee. In no event is the date to be earlier than February 1, 1952.

(2) A producer on the farm shall have had experience in growing peanuts either as a share cropper, tenant, or as a farm operator during two of the past five years; *Provided, however*, That a producer who was in the armed services during World War II shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(3) The farm operator is largely dependent on the farm for his livelihood.

(4) The farm is the only farm owned or operated by the farm operator for which a peanut allotment is established for 1952.

(c) One-half of one percent of the national peanut acreage allotment shall be available for establishing allotments for new farms; except that, if the total of the acreages required to establish fair and equitable allotments and reserves for eligible old farms in any State is less than the State allotment, the balance of such State allotment shall, upon approval by the Assistant Administrator, be available for establishing allotments

for new farms. If the total of the acreage allotments for new farms as determined by the county and State committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments determined by the county and State committees does not exceed one-half of one percent of the State's share of the 1952 national peanut acreage allotment, no adjustment will be made in the new farm allotments determined by the county and State committees;

(2) For any State for which the total of the new farm allotments determined by the county and State committees exceeds one-half of one percent of the State's share of the national acreage allotment, there shall be made available for new farm allotments in each such State an acreage equal to one-half of one percent of the State's share of the national acreage allotment; and

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments by the county and State committees that is in excess of the acreage made available under subparagraph (2) of this paragraph. The acreage allotments determined by the county and State committees for new farms which receive acreage under subparagraphs (2) and (3) of this paragraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage made available to the State for establishing allotments for such farms.

§ 729.331 *Normal yields for new farms.* The normal yield for any new farm shall be that yield per acre which the county committee determines is normal for the farm, as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of peanuts.

Done at Washington, D. C., this 23d day of November 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 51-14169; Filed, Nov. 27, 1951;
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Chapter VIII—Production and Marketing Administration (Sugar Branch),
Department of Agriculture

Subchapter B—Sugar Requirements and Quotas
[Sugar Reg. 818, Rev. 1]

PART 818—ENTRY OF SUGAR INTO THE
CONTINENTAL UNITED STATES EX-QUOTA

Basis and purpose. This revised regulation is issued pursuant to section 403 (a) of the Sugar Act of 1948 (hereinafter called the "act") and deals with the ad-

ministration of the quota system provided by that act.

The purposes of this revision are (1) to clarify and restate the complete text of this part as heretofore amended and (2) to change the requirements for the entry of offshore sugar or liquid sugar ex-quota for processing and return to Customs' custody. Ex-quota sugar or liquid sugar brought in under bond in any year for this purpose may be entered as quota sugar when additional quota for that year becomes available, or on the first business day of the new calendar year. Under such an arrangement such excess quota sugar may be substituted freely for quota sugar in the December working inventories of refiners. Extensive availability of ex-quota sugar and unrestricted access to this provision may, therefore, impair the attainment of the objectives of the sugar requirements determination as stated in section 201 of the act. To make the sugar requirements determinations more effective, it is imperative that the entry of sugar under bond for refining and return to Customs' custody be limited to situations in which the lack of access to the ex-quota sugar would cause undue hardship and the entry of such sugar would not seriously impair attainment of the objectives of the sugar quota system.

This amendment makes the provision for bringing in or importing sugar or liquid sugar under bond for refining and return to Customs' custody operative only during periods for which public notice is given by the Secretary.

Notice of this proposed change was published on November 10, 1951 (16 F. R. 11507). Consideration has been given to the written data, views and arguments submitted in connection therewith and is reflected in the regulation as stated herein. It has been disclosed that some importers prior to the date of that notice had purchased a relatively small quantity of sugar and made commitments for shipment relying upon continuation of the privilege of entering sugar ex-quota under bond for refining and return to Customs' custody. Since the proposed change would be retroactive in its effect and cause undue hardship with respect to such shipments, provision is made to permit their entry under the new paragraph (b) of § 818.2.

The availability of ex-quota sugar is currently affecting sugar prices and impairing attainment of the purposes of the sugar requirements determination. It is, therefore, imperative that this amendment become effective immediately. Accordingly, it is hereby found that compliance with the effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 403 (a) of the act, Part 818, as amended (13 F. R. 127, 1076, 2063, 4590; 14 F. R. 466, 7246) is hereby revised to read as follows:

Sec.

818.1 Definitions.

818.2 Importing sugar or liquid sugar ex-quota by furnishing bond.

818.3 Charging of quota upon forfeiture of bond.

818.4 Credits upon exportation of sugar or liquid sugar.

818.5 Records and reports.

818.6 Delegation of authority.

AUTHORITY: §§ 818.1 to 818.6 issued under sec. 403, 61 Stat. 932; 7 U. S. C., Sup., 1153.

§ 818.1 *Definitions.* As used in §§ 818.1 to 818.6, inclusive:

(a) The term "act" means the Sugar Act of 1948 (61 Stat. 922; 7 U. S. C. 1100).

(b) The term "person" means any individual, partnership, corporation, or association.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority to act in his stead.

(e) The term "quota" means any quota or proration thereof fixed by the Secretary pursuant to the act.

(f) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205 (a) of the act.

§ 818.2 *Importing sugar or liquid sugar ex-quota by furnishing bond—*(a) *Entry for reexport.* Upon the furnishing of a bond pursuant to paragraph (c) of this section, sugar or liquid sugar from any sugar-producing area may be brought or imported into the continental United States (1) to be further processed and exported as sugar or liquid sugar or (2) to provide for manufacture of articles containing an equivalent quantity of sugar or liquid sugar to be exported with benefit of drawback.

(b) *Entry for refining and return to Customs' custody.* Whenever the Secretary determines and gives public notice thereof that such action will not interfere with the effective administration of the act, and upon the furnishing of a bond pursuant to paragraph (c) of this section, sugar or liquid sugar may be brought or imported into the continental United States from any sugar-producing area for such period and subject to such conditions as may be specified in such notice, for the sole purpose of refining and return to Customs' custody without being charged against the applicable quota or allotment; however, such entries may be made during 1951 without further notice if the importer, prior to November 10, 1951, had (1) purchased such sugar and (2) chartered a vessel or made other binding commitment for shipment and he certifies such facts in writing to the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

(c) *Furnishing of bond.* Before any sugar or liquid sugar may be released from the United States Customs' custody and control pursuant to paragraph (a) or (b) of this section, the importer, consignee, owner of, or other person interested in such sugar or liquid sugar shall

furnish a bond with a surety or sureties satisfactory to the Secretary in such amount as the Secretary shall determine, or shall provide such other security as the Secretary shall determine, conditioned as follows:

(1) With respect to sugar or liquid sugar imported for the purpose of being processed by a processor and exported as sugar or liquid sugar from, and not to be used for domestic consumption in, continental United States, the condition shall be that the sugar or liquid sugar imported in the original or processed form, or an equivalent amount of sugar or liquid sugar processed by such processor, shall be exported from continental United States or otherwise disposed of as the Secretary may direct within six months or such lawful extension of time as the Secretary shall specify.

(2) With respect to sugar or liquid sugar imported for the purpose of exporting manufactured articles with benefit of drawback, the condition shall be that, within three years from the date of importation, such sugar or liquid sugar or an equivalent amount thereof, shall have been exported as shown by the allowance of a claim or claims for drawback, or other proof of exportation satisfactory to the Secretary, or that such sugar or liquid sugar or an equivalent amount of such sugar or liquid sugar available for a drawback claim, or claims, shall have been otherwise disposed of as directed by the Secretary; except that the Secretary may, under appropriate terms, permit release of any such bond or other security upon allowance of drawback based on a designation of other sugar or liquid sugar.

(3) With respect to sugar or liquid sugar released from United States Customs' custody and control for the sole purpose of being processed and returned to Customs' custody, the condition shall be that (i) such sugar or liquid sugar, or an equivalent amount thereof, so released, shall be returned to the United States Customs' custody and control or otherwise disposed of as the Secretary may direct within one month or such lawful extension of such time as the Secretary shall specify, and (ii) a quantity of sugar or liquid sugar exclusive of quantities in Customs' custody shall be held in inventory by the processor at its refinery at the close of business on December 31 of the year in which such sugar was released, equivalent to the total quantity under bond for this purpose on said December 31.

(d) *Payment of expenses for control.* Any bond or other security given under this section shall be further conditioned upon payment to the United States of America of the expenses, if any, incurred by either the United States Customs Bureau or the Department as a result of supervision and control during the time such sugar or liquid sugar is within the continental United States under the authority of the regulations in this part.

(e) *Release of bond or other security.*

(1) The Secretary may cancel or release any bond or other security or part thereof given for the purposes specified in paragraph (a) of this section if (i) proof of exportation as provided in para-

graph (f) of this section is furnished, or (ii) the purchaser of, or other person having an interest in, such sugar or liquid sugar or the sugar or liquid sugar designated for drawback claim, or any part thereof, shall have furnished in substitution a bond with good and sufficient sureties or other acceptable security covering such sugar or liquid sugar or such part thereof.

(2) The Secretary may cancel or release any bond or other security or part thereof given for the purpose specified in paragraph (b) of this section if within one month from release of the sugar or liquid sugar or such lawful extension of such time as the Secretary may specify, (i) the processor has returned an equivalent quantity to the custody of a Collector of Customs, (ii) the sugar is permitted entry within the applicable quota for the calendar year in which the bond was given, or (iii) the processor certifies that a quantity equivalent to the total quantity under bond for this purpose on December 31, exclusive of quantities in Customs' custody, was in inventory at its refinery at the close of business on the said December 31 and the sugar is permitted entry within the applicable quota for the succeeding year.

(f) *Proof of exportation.* Exportations made for the purpose of compliance with a condition of a bond given under this section shall be reported to the Sugar Branch, Production and Marketing Administration, of the Department within the first ten days of each calendar month. Such report shall be made by the person furnishing such bond, and shall cover the exportations of such sugar or liquid sugar on which drawback was allowed during the preceding calendar month. The report shall show the number of the bond to which the exportation is to be applied and the following information: (1) With respect to the exported sugar or liquid sugar, (i) the date of exportation, (ii) the quantity of sugar or liquid sugar exported, and (iii) the polarization of the sugar or the total sugar content of the liquid sugar; and (2) with respect to the imported sugar or liquid sugar on which drawback was allowed, (i) the port of entry, (ii) the date of entry or withdrawal, (iii) the entry or withdrawal number (iv) the country of origin, (v) the quantity of the sugar or liquid sugar on which drawback was allowed, and (vi) the polarization of the sugar or the total sugar content of the liquid sugar. The provisions of this paragraph shall be in addition to such other proof of exportation as the Secretary may require, but nothing herein shall be deemed to preclude the cancellation of a bond after the exportation of the sugar or liquid sugar as such and before drawback is allowed if satisfactory proof of such exportation is furnished to the Sugar Branch, Production and Marketing Administration, of the Department.

§ 818.3 *Charging of quota upon forfeiture of bond.* Upon the forfeiture of any bond or security given pursuant to § 818.2, the quota for the country or area in which such sugar or liquid sugar originated and the allotment to which it would be chargeable if brought in or

imported at the time of forfeiture shall be charged as of the time of forfeiture with the amount of such sugar or liquid sugar, and to the extent that such sugar or liquid sugar exceeds the quota of such country or area, or the chargeable allotment, the forfeiture of the bond shall constitute a violation of the quota or allotment regulations or orders issued under the act, and the person who has furnished such bond shall pay to the United States, a sum equal to three times the market value of such excess sugar or liquid sugar at the time of such forfeiture.

§ 818.4 *Credits upon exportation of sugar or liquid sugar.* If any sugar or liquid sugar is imported from any country for consumption in the continental United States and such sugar or liquid sugar in original or processed form, or an equivalent amount of sugar or liquid sugar, is exported from the continental United States and not used for consumption therein, or such sugar or liquid sugar is exported with benefit of drawback, or a claim for drawback is allowed upon the basis of a designation of the imported sugar or liquid sugar, the amount of sugar or liquid sugar so exported shall be credited to the current quota unless such exportation is in compliance with a condition of a bond issued pursuant to § 818.2 (c).

§ 818.5 *Records and reports.* The Commissioner of Customs and the Director of the Sugar Branch, Production and Marketing Administration of the Department, shall each be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of the regulations in this part, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Each person furnishing a bond under § 818.2 shall keep and preserve for a period of not less than two years from the date of exportation of the sugar or liquid sugar covered by such bond, accurate records of his transactions in such sugar or liquid sugar. The Director of the said Sugar Branch shall be entitled to inspect such records at such times and to such extent as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this part.

§ 818.6 *Delegation of authority.* Except for the issuance of the notice under § 818.2 (b), the Director of the Sugar Branch, or the Chief of the Quota and Allotment Division thereof, Production and Marketing Administration of the Department, is hereby authorized to act for and on behalf of the Secretary in administering §§ 818.1 to 818.5. The Director of the Sugar Branch, or the Chief of the Quota and Allotment Division thereof, or the Collector of Customs responsible for the release from Customs' custody of any sugar bonded under §§ 818.1 to 818.5, shall be the proper person to approve or cancel any bond given under §§ 818.1 to 818.5.

NOTE: All reporting requirements of these regulations have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 23d day of November, 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 51-14170; Filed, Nov. 27, 1951; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 979—IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA PRODUCTION AREA

TERMINATION OF LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to Marketing Agreement No. 103 and Order No. 79 (7 CFR Part 979) regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Dakota Potato Committee established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such potatoes no longer tends to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient for such compliance, and (ii) this order relieves restrictions imposed by the provisions of § 979.305 (16 F. R. 6911), which is hereinafter terminated.

(b) *Order.* The provisions of § 979.305 (16 F. R. 6911) are hereby terminated as of 12:01 a. m., c. s. t., December 3, 1951.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23rd day of November 1951.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 51-14144; Filed, Nov. 27, 1951; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 4]

PART 608—DANGER AREAS

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.18, the Tyndall Air Force Base, Panama City, Florida, Area I, published on May 26, 1950 in 15 F. R. 3212, and amended on August 7, 1951 in 16 F. R. 7696, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 30°43'00" N, long. 85°14'00" W; SE to lat. 29°55'00" N, long. 84°32'00" W; SW to the westerly end of Dog Island at lat. 29°47'00" N, long. 84°40'00" W; SSE to a point 3 nautical miles from the shoreline at lat. 29°43'45" N, long. 84°39'00" W; westerly paralleling the shoreline at a distance of 3 nautical miles to lat. 30°04'20" N, long. 85°45'45" W; NW to lat. 30°42'00" N, long. 86°06'00" W; easterly to lat. 30°43'00" N, long. 85°14'00" W, point of beginning."

2. In § 608.39, the Deming, New Mexico, area, published on July 16, 1949 in 14 F. R. 4293, and amended on November 30, 1949 in 14 F. R. 7198, is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet."

3. In § 608.51, the Matagorda Island, Texas, AREA II, published on November 10, 1950 in 15 F. R. 7548, and AREA III, published on April 17, 1951 in 16 F. R. 3333, will hereafter be referred to as AREAS I and II respectively. AREA II is amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet", and by changing the "Time of Designation" column to read: "Continuous."

4. In § 608.51, the Midland, Texas, area, published on July 16, 1949 in 14 F. R. 4296, and amended on October 31, 1951 in 16 F. R. 11068, is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 24, 1951.

[SEAL]

F. B. LEE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 51-14127; Filed, Nov. 27, 1951;
8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52866]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

VOLUNTARY TENDER OF DUTIES OR TAXES; STORAGE CHARGES

1. It has been found that the presentation in quadruplicate of the form prescribed for use in voluntarily tendering deposits of duties or taxes as provided for by § 8.29 (d) of the Customs Regulations of 1943, as amended by T. D. 52403, does not always serve a useful purpose. Accordingly, § 8.29 (d) of the Customs Regulations of 1943 (19 CFR 8.29 (d)), as amended, is hereby further amended by deleting "in quadruplicate" and substituting therefor "in the number of copies required for the purposes of local administration."

(R. S. 161, sec. 505, 46 Stat. 732, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1505, 1624)

2. To conform with the amendment to § 8.29 of the Customs Regulations of 1943 by T. D. 52403, under which release of examination packages is no longer withheld awaiting the deposit of supplemental, increased, or additional duties or taxes or the posting of a special bond, the second and third sentences of § 24.12 (c) of the Customs Regulations of 1943 (19 CFR 24.12 (c)), as amended, are hereby deleted and the following substituted therefor: "Except as to an examination package covered by an application for an entry by appraisement, storage shall be charged on any examination package for any period it remains in the appraiser's store after 2 full working days following the day on which the permit to release or transfer was issued. As to an examination package covered by an application for an entry by appraisement, storage shall be charged for any period it remains in the appraiser's store after 2 full working days following the day of issuance to the importer of oral or written notice of the amount of duties or taxes required to be deposited or that the package is ready for delivery. In computing the 2 working days, (1) the day on which the permit to release or transfer is issued, or the day on which the notice is issued of the amount of duties or taxes that shall be deposited or that the package is ready for delivery, whichever is applicable, (2) Saturdays, (3) Sundays, and (4) National holidays, shall be excluded."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

[SEAL]

FRANK DOW,
Commissioner of Customs.

Approved: November 20, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-14155; Filed, Nov. 27, 1951;
8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Regulations Under the 1951 Act

PART 1475—INSTRUCTIONS TO PRIME AND SUBCONTRACTORS ON SEGREGATION OF RENEGOTIABLE SALES

Sec.

1475.1 Introduction.

1475.2 Contracts subject to the act.

1475.3 How to determine receipts or accruals subject to renegotiation.

AUTHORITY: §§ 1475.1 to 1475.3 issued under sec. 109, Pub. Law 9, 82d Cong.

§ 1475.1 *Introduction.* The Renegotiation Board has issued¹ under the Renegotiation Act of 1951, a "stock item" exemption which will establish for the period prior to January 1, 1952, an exemption from renegotiation of subcontracts for items which are purchased for stock and not specially for performing renegotiable prime or subcontracts. The exemption continues in substance the "stock item" exemption contained in the Military Renegotiation Regulations issued under the Renegotiation Act of 1948. As a further aid to prime and subcontractors who may find difficulty in effecting segregation, and pending the issuance of regulations, this statement is designed to help prime contractors and subcontractors determine the amount of renegotiable income derived during the period prior to January 1, 1952, from prime contracts and subcontracts not covered by the "stock item" exemption, and to give assurance that under the Renegotiation Act of 1951, as under previous acts, segregation will be accomplished on a practical and realistic basis. This part does not apply to brokers and others who are subcontractors under section 103 (g) (3) of the act.

§ 1475.2 *Contracts subject to the act.* (a) The act applies to all prime contracts with the "Departments" named therein or designated by the President thereunder, to the extent of all amounts received or accrued on and after the dates indicated below opposite the names of the respective "Departments":

Department	Effective date
Department of Defense	Jan. 1, 1951
Department of the Army	Do.
Department of the Navy	Do.
Department of the Air Force	Do.
Department of Commerce	Do.
General Services Administration	Do.
Atomic Energy Commission	Do.
Reconstruction Finance Corporation	Do.
Canal Zone Government	Do.
Panama Canal Company	Do.
Housing and Home Finance Agency	Do.
Federal Civil Defense Administration	July 1, 1951
National Advisory Committee for Aeronautics	Do.
Tennessee Valley Authority	Do.
United States Coast Guard	Do.
Defense Materials Procurement Agency	Oct. 1, 1951

¹ See Part 1476 of this chapter, *infra*.

Department	Effective date
Bureau of Mines	Oct. 1, 1951
(United States) Geological Survey	Do.
Bonneville Power Administration	Nov. 1, 1951

(b) In addition, the act applies to all subcontracts related to the prime contracts described above to the extent of receipts or accruals on and after the indicated dates.

(c) Generally, receipts or accruals are to be determined in accordance with the accepted method of accounting employed by the contractor in keeping his records.

(d) There is included in the term "subcontract", as defined by the act, any purchase order or agreement to perform all or any part of the work or to make or furnish any materials required for the performance of any prime contract or other subcontract subject to the act. It is obvious from the foregoing that purchase orders, as well as agreements, are subcontracts for the purposes of the act.

(e) Section 106 (a) of the act exempts certain prime contracts and subcontracts and section 106 (c) partially exempts subcontracts for new durable productive equipment. In addition, the Renegotiation Board, in its discretion, may exempt certain prime contracts and subcontracts under section 106 (d) of the act. As noted in § 1475.1, the Board has thus far made only one exemption under this section, namely, the "stock item" exemption.

(f) The act does not apply to amounts received or accrued which are attributable to performance of any prime contracts or subcontracts prior to July 1, 1950, unless such prime contracts or subcontracts were also subject to the Renegotiation Act of 1948.

§ 1475.3 *How to determine receipts or accruals subject to renegotiation.* (a) The contractor shall first determine the total receipts or accruals during his fiscal year, on and after the dates specified, from his prime contracts with the "Departments" listed in § 1475.2. These may be readily identified by reference to the contracts themselves.

(b) The contractor shall then determine the total receipts or accruals during the applicable period from his subcontracts. The following methods will be acceptable to the Board for identifying subcontracts which are renegotiable:

(1) In many cases the subcontractor will be able to obtain sufficient information for purposes of renegotiation if he inquires from his customers regarding the use to which supplies or services furnished by him have been put, or, in the case of machinery or equipment, the use to which the articles produced thereby have been put. This information may show that the customer has employed the articles delivered to him in producing other articles of which a specified percentage has been delivered to fulfill orders from "Departments." The percentages may be stated in terms of dollars, units, or merely percentage. For example, a subcontractor who delivers brakes of a special design to a truck manufacturer may learn that of all of that manufacturer's trucks employing this design of brake, 30 percent were

delivered to fulfill military orders and 70 percent were delivered to the ordinary civilian market. This subcontractor would be justified in assuming for purposes of renegotiation that 30 per cent of his sales of these brakes were renegotiable. Such information should of course be applied in the light of any differences between the subcontractor's fiscal year and that of his customer, and any other relevant details that may support or call into question a segregation based on the customer's sales ratio as described in this subparagraph.

(2) In certain cases, when the subcontractor has numerous customers in the same industry for a single product, and it would be reasonable to assume that the proportion of renegotiable business to total business of these customers as a group will conform roughly to the proportion of the industry as a whole, the subcontractor may use governmental, trade association or other reports indicating the proportion of renegotiable business to total business in the industry as a whole.

(3) If the methods suggested in subparagraphs (1) and (2) of this paragraph cannot be employed with reasonably accurate results, it will be necessary to identify the renegotiable subcontracts one by one. The first indication that a subcontract is renegotiable is, of course, that it contains a renegotiation article or a notation stating that it is subject to renegotiation. However, the absence of an article or statement cannot be relied on as indicating that the contract is nonrenegotiable; and the article or notation is in some cases erroneously added, or the subcontract is exempted only after it is made. Some prime contractors make a practice of including a renegotiation article in all subcontracts, even those manifestly not subject to the act. A renegotiable subcontract may be identified if it contains a reference to a Government contract number and if the number indicates that the subcontract relates to a prime contract with one of the "Departments" listed in § 1475.2 (a). Or the subcontract may contain a reference to a CMP allotment number or a DO rating which can be identified from the symbols used as having been issued by any of the "Departments" listed in § 1475.2 (a).

(4) The subcontractor may wish to adopt some method of obtaining information or making estimates as to the probable end use of components supplied by him, not included in any of the methods in subparagraphs (1) to (3) of this paragraph, but which will enable a segregation to be made sufficiently accurate for the purposes of renegotiation. The Board will not disapprove any method if it is satisfied that it is the best that could be done in the circumstances and affords the basis for reasonably precise determination.

(5) If the subcontractor is unable to determine to his satisfaction the extent of his renegotiable business by the methods in subparagraphs (1) to (4) of this paragraph, or any others, he should report this fact to the Renegotiation Board.

(c) It is the duty of the subcontractor to request information from his customer

to enable him to determine the segregation of renegotiable business, and it is the duty of the customer to supply such information. However, with respect to requests to be made of customers for information the subcontractor is not expected to do more than a reasonable business man would do under the circumstances. Specifically, he is not required to make inquiries of any one customer with whom he did business aggregating less than \$2,500 during his fiscal year; nor is he required to make inquiries of customers the nature of whose business is such that it would be unreasonable to expect them to be engaged in supplying materials to the "Departments" directly or under subcontracts.

(d) The method of determining renegotiable income from subcontracts for new durable productive equipment is set forth in section 106 (c) of the act. The procedure in this section does not apply to such subcontracts.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

NOVEMBER 23, 1951.

[F. R. Doc. 51-14161; Filed, Nov. 27, 1951; 8:52 a. m.]

PART 1476—PERMISSIVE EXEMPTIONS

SUBPART A—"STOCK ITEM" EXEMPTION

Sec.

1476.1 Exemption.

1476.2 Application of exemption.

AUTHORITY: §§ 1476.1 and 1476.2 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 106, Pub. Law 9, 82d Cong.

§ 1476.1 *Exemption.* Pursuant to the authority conferred upon the Renegotiation Board by sections 106 (d) (5) and 109 of the Renegotiation Act of 1951, the Board hereby exempts from the provisions of the act, to the extent of amounts received or accrued prior to January 1, 1952, all subcontracts subject to the act which are for materials (including maintenance, repair and operating supplies) customarily purchased for stock in the normal course of the purchaser's business, except when such materials are specially purchased for use in performing one or more contracts or higher tier subcontracts subject to the act.

§ 1476.2 *Application of exemption.*

(a) When the purchaser customarily carries an article in stock and purchases a supply of it to be placed in stock, the purchase is not subject to renegotiation merely because the purchaser knows that some portion of the stock thus replenished will inevitably be used in the performance of renegotiable contracts or subcontracts then on hand, but when materials have been specially purchased for use in performing one or more renegotiable contracts or subcontracts, the subcontract for such a purchase is subject to renegotiation, notwithstanding that the article may be customarily carried in stock by the purchaser, and irrespective of the amount customarily carried. When items are specially pur-

chased for use in performing one or more renegotiable contracts or subcontracts, it is immaterial that the purchaser does not know at the time of purchase the specific contract or subcontract in the performance of which such articles or any portion of them will be used, or even that the contract or subcontract has not yet been let; the purchase is subject to renegotiation in its entirety.

(b) Any one or more of the following circumstances normally would indicate that the article was "specially purchased" and not exempt:

(1) That the specifications of the article were adapted to the purchaser's renegotiable business only.

(2) That the article was segregated or earmarked, either in whole or in part, for the performance of renegotiable contracts or subcontracts after delivery.

(3) That the purchaser represented to the supplier that the article was required for the performance of military or other renegotiable contracts or subcontracts, or extended to the supplier a preference rating or allotment symbol applicable only to such contracts or subcontracts.

(4) That the amount of the purchase coincided substantially with the purchaser's requirements for performance of his renegotiable contracts or subcontracts, or those he expected to obtain, and was abnormal to his usual requirements.

JOHN T. KOEHLER,
Chairman, The Renegotiation Board.

NOVEMBER 23, 1951.

[F. R. Doc. 51-14162; Filed, Nov. 27, 1951;
8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 31, Amdt. 10]

CPR 31—IMPORTS

CHANGES IN APPENDIX A TO CEILING PRICE REGULATION 31

Pursuant to the Defense Production Act of 1950, as amended, Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong., Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 10 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

The deletion of the fibers, abacá, flax, hemp, henequen, jute, and sisal from Appendix A of Ceiling Price Regulation 31 will put the sales of imports of these commodities under CPR 31. These commodities, especially hemp and sisal, have not been imported freely in the past few months, because increases in the cost abroad have made impossible their importation and profitable sale under the General Ceiling Price Regulation. Importers, pricing now under CPR 31, will be able to pass on the in-

creases in their landed costs that have occurred during the past year. The effect of this change should be of considerable importance in increasing the needed supply of these critical commodities.

The deletions and changes with respect to the other commodities are merely intended to recognize the changes which have already been made with respect to the pricing of them. These commodities are no longer priced under the GCPR, but are priced under their own numbered regulations or exempted under GOR 9. CPR 54 now controls the pricing of aluminum scrap, CPR 46 controls the pricing of brass scrap. Tallow is now priced under CPR 6, wood pulp under CPR 49, wool, alpaca and mohair under CPR 35.

Formal consultation with representatives of industry has not been practicable although many individual views expressed informally to this Office requested action in the nature of this amendment.

AMENDATORY PROVISIONS

1. Appendix A is amended by deleting the following entries:

	Paragraph
Abacá	1634
Antimony—metal (regular), ore concentrates, needle	376, 1608
Asbestos	1616
Beryl	1719
Brass scrap	1634
Bristles, hog	1507, 1637
Columbite	1719
Flax	1001
Graphite or plumbago	213
Hemp (not including erin vegetal)	1001, 1002, 1004, 1005, 1684
Henequen	1005, 1684
Iodine, radioactive	1749
Jute	1003, 1634
Kyanite, crude & calcined	1719
Opium and derivatives	59
Radium, salts and radioactive substitutes	1749
Sisal	1684
Tallow	701
Wood pulp	1716
Wool (not including carpet wool), alpaca, mohair	1101, 1102, 1105, 1106
Zaffer	1814

2. Certain entries in Appendix A are amended to read as follows:

	Paragraph
Aluminum—metal, ore, foil, alloys	207, 374, 382
Cobalt, compounds and salts (except oxide)	29
Chrome—salts, metals and alloys	5, 301, 302
Mica, waste and scrap, ground and pulverized	208
Manganese, metal	302
Tungsten—metal, concentrates, powder, alloys and compounds	302
(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)	

Effective date. This Amendment 10 to Ceiling Price Regulation 31 shall become effective December 1, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 27, 1951.

[F. R. Doc. 51-14238; Filed Nov. 27, 1951;
12:06 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 8]

CPR 34—SERVICES

SR 8—POWER LAUNDRIES IN COOK COUNTY, ILLINOIS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 8 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 8 to Ceiling Price Regulation 34 permits an increase in ceiling prices of power laundry services supplied by power laundries in Cook County, Illinois. This supplementary regulation does not permit the increase to be applied to the diaper supply, linen supply and dry cleaning services of such laundries.

For the past two years the earnings of Cook County suppliers of power laundry services have been decreasing, despite an increase in the volume of sales. Between 1948 and the present time eighteen plants have discontinued business. Wage increases and sharply increased costs in the latter part of 1950 and in 1951 have brought the average earnings in this area not only below normal earnings, but even below the break-even point.

Under the provisions of this supplementary regulation, ceiling prices of such power laundries may be increased by 5 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase", or, at the option of the individual laundry, the established flat price for each article may be increased 5 percent. If such increase results in a fraction of a cent, the price must be decreased to the next lower cent if the fractional cent is one half ($\frac{1}{2}$ ¢) cent or less, or may be increased to the next higher cent if the fraction is greater than one half ($\frac{1}{2}$ ¢) cent. The adjusted flat price must within ten days after their determination be filed with the appropriate Office of Price Stabilization district office.

Provision is made to retain such services under Ceiling Price Regulation 34, *Provided, however*, That power laundries subject to this supplementary regulation may not, after the effective date of this supplementary regulation, obtain an adjustment of their ceiling prices under sections 20 (a), 20 (b) or 20 (c) of that regulation. In addition, adjustments previously granted under those sections are automatically revoked as of the effective date of this supplementary regulation.

In the judgment of the Director of Price Stabilization the price increases permitted by this supplementary regulation are the minimum needed to permit the continued supply of this service.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with repre-

sentative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.

1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Supp. 2101-2110, E. O., 10161, Sept. 9, 1950, 15 F. R. 6105; 8 CFR 1950 Supp.

SECTION 1. Purpose. This supplementary regulation permits power laundries in Cook County, Illinois, to increase the ceiling prices of their power laundry services by 5 percent. This supplementary regulation shall not apply to the diaper supply, linen supply and dry cleaning services of power laundries.

SEC. 2. Relationship to Ceiling Price Regulation 34. All provisions of Ceiling Price Regulation 34, as amended, unless changed by the provisions of this supplementary regulation as provided in sections 3 and 4 of this regulation, remain in effect.

SEC. 3. Adjustment of Ceiling Prices. You may, to the extent you supply power laundry services in Cook County, Illinois, increase your ceiling prices by 5 percent for power laundry services, except diaper supply, linen supply and dry cleaning services, thus supplied, by either of the following methods: (a) You may apply such an adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly stamp or evidence on each such invoice the words "OPS permitted price increase".

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 5 percent the flat prices of each power laundry services article, except a diaper supply, linen supply and dry cleaning services article. If you determine your ceiling prices under the provisions of this paragraph and the ceiling prices you so determine result in a fraction of a cent, that fraction must be adjusted upward or downward, as the case may be, to the cent next nearest such fraction. Within ten days after your prices are established under this paragraph, you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18 of Ceiling Price Regulation 34. You may not price under paragraph (a) of this section once you have elected to price under this paragraph (b).

SEC. 4. Application of section 20 of Ceiling Price Regulation 34. No seller of power laundry services subject to this supplementary regulation may, after the

effective date of this supplementary regulation, obtain an increase in his ceiling prices for such power laundry services, except diaper supply, linen supply and dry cleaning services, under either section 20 (a), 20 (b) or 20 (c) of Ceiling Price Regulation 34. All orders establishing ceiling prices for any power laundry subject to this supplementary regulation issued under either section 20 (a), 20 (b) or 20 (c) of Ceiling Price Regulation 34 are hereby revoked, upon the effective date of this regulation.

SEC. 5. Definitions. (a) "Power laundry" or "power laundries" as used in this regulation are laundries which in the laundry trade are customarily known and designated as such, and do not include hand laundries, launderettes or laundries using home-type laundry equipment to supply laundry services.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154.)

Effective date. This order shall become effective December 3, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 27, 1951.

[F. R. Doc. 51-14240; Filed, Nov. 27, 1951; 4:00 p. m.]

[Ceiling Price Regulation 72, Amdt. 1]

CPR 72—MIXED FERTILIZER AND FERTILIZER MATERIALS SOLD IN PUERTO RICO BY MIXERS AND PACKAGERS

CHANGES IN BASIS FOR ESTABLISHING CEILING PRICES AND BASE PERIOD

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 72 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to CPR 72 establishes ceiling prices for the sales by manufacturers of mixed fertilizer and fertilizer materials on the basis of (a) the GPCR ceiling price or (b) the price in effect on July 1, 1950, plus an allowance for increased material costs since that date. The amendment also provides that the "base cost" be computed on the basis of the c. i. f. port-of-arrival cost of materials actually used by the manufacturer during the base period, July 1-December 31, 1950.

CPR 72, as issued, established the period December 19, 1950-January 25, 1951, as the base period, and further provided that the base cost be computed on the basis of the delivered-to-plant cost of materials used or received.

The purpose of the change from delivered-to-plant cost to the c. i. f. port-of-arrival cost is to prevent manufacturers from pyramiding costs by shifting

materials from one plant to another and including the transportation costs for so doing in base cost. Use of c. i. f. port-of-arrival cost will avoid manipulation by transfer of materials to increase prices. Moreover, it will facilitate compliance checks of base cost under the regulation.

The words "used or received" were employed in CPR 72 because the base period established under that regulation was so short that it was possible that a manufacturer had not used any material during the base period. Under the proposed amendment, extending the period from one and one-half months to six months, this situation is very unlikely, and it is therefore provided that the cost of materials received may be used in computing base cost only when no materials were used by the manufacturer during the base period.

The base period now provided for in the regulation, through the circumstance of anticipating price increases in materials, gives manufacturers about the highest markups they have received on their mixed fertilizer and fertilizer materials. A freeze of this markup permits prices which are clearly inflationary. A study by the OPS and consideration of the problem with local manufacturers establish that a period providing for both normal and fair markups would be from July 1 to December 31, 1950. The regulation is therefore amended to establish that period as the base period.

The ceiling prices established by this amendment to CPR 72 are not lower than the prices prevailing during the period January 25, 1951 to February 24, 1951. During that period ceiling prices for the sales of fertilizer and fertilizer materials by manufacturers were established under the GPCR and this amendment provides that the manufacturer may elect to use the prices which were in effect during the base period of the GPCR, which prices became the ceiling prices under that regulation.

In the formulation of this amendment the Director of Price Stabilization has consulted with some of the members of the fertilizer industry in Puerto Rico and has given full consideration to their recommendations. Special circumstances however have rendered impracticable conferences with Industry Advisory Committees.

The provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

Every effort has been made to conform this amendment to existing business practices and cost practices or methods. Insofar as any provisions of this regulation may operate to compel changes in the business practices and cost practices or methods, such provisions are found by the Director to be necessary to prevent circumvention or evasion of the regulation.

REGULATORY PROVISIONS

1. Section 3 (c) of Ceiling Price Regulation 72 is amended to read as follows:

(c) You may elect, for any quarter, to use your highest list prices in effect during the period December 19, 1950-Janu-

ary 25, 1951, as your ceiling prices instead of the ceiling prices otherwise established under this regulation.

2. Section 5 is amended to read as follows:

Sec. 5. *Manufacturers' "base prices."* Your "base prices" for sales of mixed fertilizer and fertilizer materials shall be your list prices which were in effect on July 1, 1950.

3. Section 6 (a) (1) is amended to read as follows:

(1) Determine the average c. i. f. port-of-arrival cost per unit of nitrogen, available phosphoric acid, and water soluble potash used by you during the period July 1, 1950, to December 31, 1950. If you used no fertilizer material during this period, make this same calculation on the basis of materials received by you. Using this cost, determine by your own formula the total cost of the amounts of fertilizer materials entering into a ton of each mixed fertilizer you are pricing. To this add the average cost, during the above period, of the containers you have customarily used to contain one ton of the mixed fertilizer being priced. This figure is hereafter referred to as "base cost of mixed fertilizer."

4. Section 6 (a) (2) is amended to read as follows:

(2) On or before September 10, 1951, following the procedure outlined in subparagraph (1) of this paragraph, compute the comparable average cost for the period August 1 to August 15, 1951; and on October 1 similarly determine this figure for the period August 1 to October 1; and on the first day of each quarter-annual period thereafter similarly determine this figure for the three-month period immediately preceding the date of such computation. This figure is hereafter referred to as your "current cost" of mixed fertilizer.

5. Section 7 (a) (1) is amended to read as follows:

(1) Determine the average c. i. f. port-of-arrival cost per ton for each of the fertilizer materials used by you during the period July 1, 1950 to December 31, 1950. If you used no fertilizer material during this period, make this same calculation on the basis of materials received by you. To this cost add the average cost, during the same period, of the containers you have customarily used to contain one ton of the fertilizer material being priced. This figure is hereafter referred to as "base cost" of fertilizer materials.

6. Section 7 (a) (2) is amended by deleting the word "July" and inserting "August" so that the amended paragraph reads:

(2) On or before September 10, 1951, following the procedure outlined in subparagraph (1) of this paragraph, compute the comparable average cost for the period August 1 to August 15, 1951; and on October 1 similarly determine this figure for the period August 1 to October 1; and on the first day of each quarter-annual period thereafter similarly determine this figure for the three-month period immediately preceding the date of

such computation. This figure is hereafter referred to as your "current cost" of fertilizer materials.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to CPR 72 shall become effective December 3, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 27, 1951.

[F. R. Doc. 51-14241; Filed, Nov. 27, 1951;
4:00 p. m.]

[Distribution Regulation 1, Amdt. 8]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

CUT-OFF DATE ON REGISTRATIONS, LIMITED EXEMPTION OF "SHOW" LIVESTOCK AND REVISION OF REPORTING REQUIREMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong. Pub. Law 96, 82nd Cong.), as amended, Executive Order 10161 (15 F. R. 6105), Delegation of Authority by the Secretary of Agriculture with respect to the allocation of meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this Amendment 8 to Distribution Regulation 1 is hereby issued.

Preamble

I. Sections 3 and 4 of Distribution Regulation 1 require registration of Class 1 and Class 2 slaughterers on or before March 15, 1951. However, applications under these sections for regulation of slaughterers, who slaughtered during the base period (January 1, 1950 to February 9, 1951), have been accepted until the present time in order to avoid any hardship upon slaughterers who failed to meet the March 15 deadline. It is felt that sufficient time has now been given to all such persons to comply with the registration provisions of sections 3 and 4. Therefore, this amendment precludes any application for registration under either of those sections after December 15, 1951.

II. Section 7 as it presently reads permits persons not otherwise permitted to slaughter livestock or have livestock slaughtered for them, to acquire livestock at a public fair, show or exhibition, from members of 4-H Clubs, Future Farmers of America or other recognized youth organization—so-called "Club" livestock—and to have such livestock slaughtered for them. However, there is no provision at present which would permit such persons to have slaughtered, livestock exhibited at a fair, show or exhibition and purchased at a regularly scheduled public sale held at such fair, show or exhibition—so-called "Show" livestock. Since such shows have a well recognized educational value and stimulate interest in the improvement of livestock, it is believed that granting permission to these persons to have slaughtered, livestock exhibited and sold at such shows will further the production and distribution of better livestock. This amendment therefore authorizes such slaughter of livestock when all of the

requirements specified in section 7 are met.

In order to avoid abuse of these provisions, this amendment prohibits the persons described in the preceding paragraph from having slaughtered in any one calendar year more than 10 head of any one species of "Show" livestock unless purchased in a carload lot. If a purchase of "Show" livestock is made in a carload lot, as is commonly done, then such persons may not have slaughtered in any one calendar year any "Show" livestock, regardless of species, other than the livestock contained in that carload.

III. As indicated in a recent press release, the Office of Price Stabilization will in the near future issue a regulation requiring Class 1 and Class 1A slaughterers (Federally inspected slaughterers) to make available to the Military, effective during the December accounting period and thereafter, certain quantities of beef. Generally speaking, the quantities of beef which will be required to be made available to the Military will be equivalent to the particular slaughterer's excess of cattle slaughter for his own account in 1951 over a certain percentage of that slaughterer's assigned cattle slaughter base for his own account in comparable accounting periods of 1950. The amount of excess will be calculated after the end of each slaughterer's accounting period. As the Military will place orders under the regulation during the accounting period following the one in which the excess occurred, it will be necessary for the Office of Price Stabilization to furnish the Military promptly after the end of each accounting period with a list of slaughterers who are subject to priority orders.

At the present time the Office of Price Stabilization obtains copies of Class 1 slaughterers' reports to the USDA on Form LS-149. That form provides for reporting total slaughter in the plant which includes custom slaughter. The new OPS regulation will apply to the person who owns the livestock at the time of slaughter. This is necessary to permit the military to place an order against the owner of the livestock rather than the plant which may have several custom slaughterers who are responsible for the excess slaughter. Thus, it is necessary to have a report which separates the plant's slaughter from that slaughtered for others. Therefore, Section 12 is amended to require Class 1 slaughterers to mail a report on Form No. 107 to the National Office within five work days after the close of each accounting period. This report will show the number of head and live weight of slaughter of cattle for the slaughterer's own account and for Class 1A slaughterers, respectively, during the preceding accounting period. Although the new regulation will apply in the beginning only to cattle slaughter, it may later be extended to other species. Thus, provision is made in the new OPS form for inclusion of all species.

It is possible that the forthcoming Military Beef priority regulation will have the effect of channelling more cattle through Class 2 slaughterers. In order to keep an accurate check on such pos-

sible effects and to be in a position to remedy this situation should it arise, the OPS must have up-to-date records on the slaughter bases and current slaughter of Class 2 slaughterers who operate on any substantial scale. Therefore, this amendment requires Class 2 slaughterers to file, with the District Office for the area in which their places of business are located, Revised Form DO 1-6 within five work days after the end of the accounting period commencing after November 24, 1951 in which their slaughter of any one species of livestock first exceeds 25,000 pounds live weight. Thereafter, this report must be filed within five work days after the end of each accounting period regardless of the slaughterer's volume of slaughter during the preceding accounting period. Class 2 slaughterers whose slaughter bases for all species combined on an annual basis are 100,000 pounds live weight or over must continue to file a DO 1-6 form irrespective of the volume of their current slaughter. The time within which such form must be filed has been changed from ten days to five work days after each accounting period and the reports must be filed with the District rather than the Regional Offices.

Class 1A slaughterers who have slaughtered for them, livestock of any one species in any one accounting period commencing after October 27, 1951 in an amount in excess of 25,000 pounds live weight, will have to file reports on OPS Public Form No. 107 similar to the reports filed by their respective Class 1 slaughterers. Similarly, Class 2A slaughterers who have slaughtered for them, livestock of any one species in any one accounting period commencing after November 24, 1951, in an amount in excess of 25,000 pounds live weight, will have to file reports on Revised DO 1-6. These reports must be filed within five work days after the end of the accounting period commencing after October 27, 1951, in the case of Class 1A's, and after November 24, 1951, in the case of Class 2A's, in which the slaughter for them of any one species first exceeds 25,000 pounds and within five work days after each succeeding accounting period regardless of the volume of slaughter for them. In addition, the Class 1A slaughterer must, within five work days after the end of that accounting period in which slaughter for him by a given Class 1 slaughterer first exceeds 25,000 pounds, mail to the OPS National Office a statement listing his slaughter bases for slaughter by that Class 1 slaughterer for each species by live weight and by accounting period. Since the present DO 1-5 Forms of Class 2A slaughterers contain all of this information, a Class 2A slaughterer is required, under the same conditions, to mail a conformed copy of his DO 1-5 form to the District Office for the area where the place of business of his Class 2 slaughterer is located. If a Class 1A or a Class 2A slaughterer has livestock slaughtered by more than one Class 1 or Class 2 slaughterer, he must file a separate report for the livestock slaughtered by each such slaughterer after the slaughter of any one species

by that slaughterer first exceeds 25,000 pounds in one accounting period.

Section 12 presently requires reports from Class 2 slaughterers to be made to the Regional Office where they are registered. In line with the policy of OPS to delegate as much authority as possible to the local offices, this amendment, as indicated in the preceding paragraphs, has changed the place to which reports of Class 2 slaughterers must be made under section 12, from the Regional Offices where they are registered to the District Offices for the area where their places of business are located. Similarly, reports for Class 2A slaughterers must be filed with the District Office where the places of business of their respective Class 2 slaughterers are located.

Finally, section 12 establishes certain other record-keeping and reporting requirements, many of which are required by "quota periods." While Amendment 7 to Distribution Regulation 1 specifically pointed out that all provisions relating to registration, marking and reporting would continue to be effective, it revoked the specific provision containing the definition of "quota period." A definition of "quota period" was no longer necessary then because the term had been utilized with a clearly defined meaning for a considerable period of time under Distribution Regulation 1 and had, as a result, taken on an accepted meaning in the industry in accordance with its original definition under Distribution Regulation 1. However, in order to preclude any possible dispute on the matter, this amendment substitutes the word "accounting period" for "quota period" in Section 12 and adds to that section a subsection which specifically defines the term "accounting period." This definition requires that the accounting periods of each Class 1A and Class 2A slaughterer conform, for reporting and record-keeping purposes, to the accounting periods of their respective Class 1 slaughterer (as shown on the slaughterer's Form 34) or Class 2 slaughterer (as shown on that slaughterer's Form DO 1-2).

AMENDATORY PROVISIONS

Distribution Regulation 1 is amended in the following respects:

1. Section 3 (b) is amended to read as follows:

(b) *Registration of Class 1 slaughterers and notification to Class 1A slaughterers.* You must apply for registration with the Office of Price Stabilization, Washington 25, D. C., by filing in duplicate OPS Form DO 1-1 and OPS Form 34 with the information there required. No application for registration under this section shall in any event be accepted after December 15, 1951. If the information furnished by you on OPS Form DO 1-1 and OPS Form 34 indicates that you are entitled to slaughter livestock under this regulation the National Office will send you a copy of OPS Form DO 1-1, showing your registration number, and a copy of OPS Form 34. Unless you have received your registration from the National Office you may not slaughter any livestock. Prior to filing this form with the Office of Price

Stabilization you must notify each Class 1A slaughterer for whom you slaughtered livestock during the calendar year 1950 of the exact amount of livestock which you slaughtered for him during that period by mailing to him OPS Form DO 1-4 in duplicate with the information there required.

2. Section 4 (b) is amended to read as follows:

(b) *Registration.* You must apply for registration with the Regional Office of the Office of Price Stabilization for the place in which your slaughtering establishment is located. No application for registration under this section shall in any event be accepted after December 15, 1951. You apply for registration by filing with the Regional Office, OPS Form DO 1-2 in duplicate, providing the information there required. Prior to filing this form you must notify each Class 2A slaughterer for whom you slaughtered livestock during the calendar year 1950 of the exact amount of livestock which you slaughtered for him during that period by mailing to him OPS Form DO 1-5 in duplicate with the information there required. If the information furnished by you on OPS Form DO 1-2 indicates that you are entitled to slaughter livestock under this regulation the Regional Office will send you a copy of OPS Form DO 1-2 showing your registration number. Unless you have received your registration from the Regional Office you may not slaughter any livestock.

If your slaughtering establishment is not in operation, because of a suspension or other order of a State, County, City or Municipal government or agency, you may not apply for registration under this regulation. When the suspension or other order is revoked or cancelled you may apply to the Regional Office for registration under this regulation, notwithstanding the provisions of the preceding paragraph.

3. Section 7 is amended to read as follows:

SEC 7. Slaughter of "Club" and "Show" livestock. (a) If you are not permitted to slaughter livestock or have livestock slaughtered for you under this regulation and you acquire either or both:

(1) Livestock from members of 4-H clubs, Future Farmers of America, or other recognized youth organization, at sales made at the place and time of a fair, show or exhibition ("Club" livestock); or

(2) Livestock which has been exhibited in competition at a fair, show or exhibition and which has been purchased by you in the course of a regularly scheduled public sale held at the place and time of such fair, show or exhibition ("Show" livestock),

you may, if such sales were previously approved by the OPS District Office for the area where the fair, show or exhibition is held, have such livestock slaughtered for you by a registered Class 1 or Class 2 slaughterer. However, you may not in any one calendar year have slaughtered for you any more than 10

head of any one species of "Show" livestock or, if you purchase such livestock in a carload lot, then you may not in any one calendar year have slaughtered for you any "Show" livestock, regardless of species, other than that which is contained in such carload lot. If, at the effective date of this amendment, you have had more "Show" livestock of a given species slaughtered for you in the present calendar year than the maximum allowed by this section, you shall not be in violation of this section for the amount of your excess slaughter at that time. However, you shall not prior to January 1, 1952 have any more "Show" livestock of that species slaughtered for you. If you have, prior to the effective date of this amendment, purchased a carload lot or more of "Show" livestock then you shall not have any more "Show" livestock of any species slaughtered for you prior to January 1, 1952. "Calendar year" when used in this section means a period of twelve (12) months between January 1 and December 31, inclusive.

(b) Prior to a fair, show or exhibition the president, secretary or manager of the organization promoting such fair, show or exhibition must apply to the OPS District Office for the area where the fair, show or exhibition is to be held, for permission to have "Club" or "Show" livestock, sold at the fair, show or exhibition, slaughtered for the prospective purchasers.

The District Office will authorize the president, secretary or manager of the organization promoting the fair, show or exhibition to issue certificates permitting non-slaughtering purchasers to have the "Club" livestock they purchase at the fair, show or exhibition, slaughtered for them, whenever it finds that the sale at the fair, show or exhibition is to be held under the auspices of the 4-H Clubs, Future Farmers of America, or other recognized youth organization.

The District Office will authorize the president, secretary or manager of the organization promoting the fair, show or exhibition to issue certificates permitting non-slaughtering purchasers to have the "Show" livestock they purchase at the fair, show or exhibition, slaughtered for them when it finds that all of the following conditions are met:

(1) Such fair, show or exhibition is recognized generally as being of state, regional (embracing more than one state), national, or international character;

(2) The organization promoting such fair, show or exhibition has been in existence prior to 1951; or is an organization that is the legal successor to an organization which was in existence prior to 1951, such succession having occurred prior to April 1, 1951.

(3) The fair, show or exhibition has been promoted and held as a regular event prior to 1951 by an organization meeting the requirements of subparagraph (2) of this paragraph.

(4) The traditional events occurring at such fair, show or exhibition until 1951 included a regularly scheduled public sale for slaughter of some or all of the livestock exhibited.

(5) Each head or lot of livestock so purchased by any purchaser at such fair, show or exhibition in the course of such regularly scheduled public sale is certified in writing to such purchaser by the president, secretary or manager of the organization promoting such event:

(i) To have been entered and officially accepted for exhibition purposes at such fair, show or exhibition, and

(ii) To have been exhibited in competition at such fair, show or exhibition.

(6) The livestock in question have actually participated in competitive exhibition in such a fair, show or exhibition. For the purposes of this paragraph, livestock which, as the result of the official action of any representative of the organization promoting such a fair, show or exhibition, have been rejected for, or barred from competitive exhibition prior to the holding of the event in which competition winners are selected, shall not be deemed to have been exhibited at such fair, show or exhibition.

(c) At the time of the opening of the fair, show or exhibition, the manager must announce that sales at the fair, show or exhibition of "Club" or "Show" livestock, or both, as the case may be, have been approved by the OPS and that the manager is permitted to issue slaughter certificates for "Club" or "Show" livestock or both, as the case may be. The manager shall then issue such slaughter certificates to the livestock purchasers who are not permitted to slaughter livestock or have livestock slaughtered for them under the regulations. The slaughter certificates issued in triplicate must contain the following:

(1) The name of the organization conducting the fair, show or exhibition, the place at which it was held, and the dates it was held.

(2) The District Office of OPS which approved the fair, show or exhibition, and the date of such approval.

(3) The name and address of the person purchasing the livestock.

(4) The number of each species of livestock purchased and the live weight of each species of livestock.

(5) A statement that:

(i) In the case of "Club" livestock, the animal or animals listed on the certificates were bona fide project animals fed in an organized club (naming the club) under the direction of the United States Department of Agriculture Extension Service or a recognized State agency; or

(ii) In the case of "Show" livestock, that each of the animals listed on the certificate was entered and officially accepted for exhibition purposes at the fair, show or exhibition and in fact was exhibited in competition at the fair, show or exhibition.

(6) The signature of the manager of the fair, show or exhibition.

(7) A signed statement by the purchaser that he is not permitted to slaughter livestock or have livestock slaughtered for him under Distribution Regulation 1 and, if the livestock covered by the certificate is "Show" livestock, that the slaughter of such livestock will neither cause the total slaughter for him of any one species of "Show" livestock to exceed ten head in that cal-

endar year nor contribute to such excess, or, if the "Show" livestock covered by the certificate is in a carload lot, that no other "Show" livestock of any species has been or will be slaughtered for him during that calendar year.

(d) The original and one copy must be given to the purchaser of livestock. The third copy must be immediately forwarded by the manager to the District Office which approved the fair, show or exhibition. The purchaser of livestock must give the original and duplicate to the Class 1 or Class 2 slaughterer who will slaughter the livestock.

(e) Any Class 1 or Class 2 slaughterer who receives a valid original and duplicate slaughter certificate may slaughter the livestock covered by such certificate. The slaughterer must keep the duplicate certificate and attach the original to his report on OPS Public Form No. 107 or OPS Revised Form DO 1-6, respectively, for the period in which the slaughter took place. If a Class 2 slaughterer is not required to file a report on OPS Revised Form DO 1-6, he must send the original certificate to the District Office for the area where his establishment is located.

4. Section 12 is amended to read as follows:

SEC. 12. *Records, reports and inspections.* (a) (1) If you are a Class 1 slaughterer you must, within five "work days" after the end of each accounting period, commencing after October 27, 1951, mail a report on OPS Public Form No. 107 to the Office of Price Stabilization in Washington, D. C. You may obtain copies of that form from any Regional or District Office of the Office of Price Stabilization. The accounting periods for which you mail reports pursuant to this subsection must conform to the accounting periods reported by you on OPS Public Form No. 34.

If you have not yet mailed an acceptable report on OPS Public Form No. 34 at the time of the effective date of this amendment, you must, prior to December 5, 1951, mail such a report to the OPS in Washington, D. C.

(2) If you are a Class 2 slaughterer and either:

(i) Your slaughter bases for all species combined on an annual basis are 100,000 pounds live weight or over (as shown on your Form DO 1-2), or

(ii) Your slaughter of any one species of livestock in any accounting period commencing after November 24, 1951 exceeds 25,000 pounds live weight,

you must mail a report to the OPS District Office for the area where your place of business is located. If you come within the provisions of subdivision (i) you must mail your report within five work days after the end of each accounting period. If you do not come within the provisions of subdivision (i) and you do come within the provisions of subdivision (ii) you must mail your report within five work days after the end of the accounting period commencing after November 24, 1951 in which your slaughter of any one species of livestock first exceeds 25,000 pounds live weight and within five work days of the

end of each succeeding accounting period regardless of the amount of your slaughter during such succeeding accounting period. The report made pursuant to this section must be made in duplicate on Revised Form DO 1-6 and must contain all the information required by that form. You must report on the basis of your accounting periods.

(3) Each Class 1 or Class 2 slaughterer whose accounting period did not end on July 31, 1951, must keep records of the live weight of each species of livestock slaughtered by him from the beginning of the accounting period through July 31, 1951.

(4) If you are a Class 1A slaughterer and the slaughter for you of any one species of livestock by a given Class 1 slaughterer in any one accounting period commencing after October 27, 1951, exceeds 25,000 pounds live weight, you must within five work days after the end of that and each succeeding accounting period, regardless of the volume of slaughter for you by that slaughterer in such succeeding accounting period, mail a report with respect to that slaughter to the Office of Price Stabilization in Washington, D. C. This report must be made on OPS Public Form No. 107 and must contain all the information required by that form. In addition, within five work days after the end of each accounting period commencing after October 27, 1951, in which the slaughter for you of any one species of livestock by a given Class 1 slaughterer first exceeds 25,000 pounds live weight, you must mail to the Office of Price Stabilization in Washington, D. C., a statement listing your slaughter bases for slaughter by that Class 1 slaughterer for each species of livestock by live weight and by accounting periods. The accounting periods for which reports and statements must be filed pursuant to this section must conform to the accounting periods of the Class 1 slaughterer with respect to whose slaughter the report or statement is being filed.

(5) If you are a Class 2A slaughterer and the slaughter for you of any one species of livestock by a given Class 2 slaughterer in any one accounting period commencing after November 24, 1951, exceeds 25,000 pounds live weight, you must within five work days after the end of that and each succeeding accounting period, regardless of the volume of slaughter for you by that slaughterer in such succeeding accounting period, mail a report with respect to that slaughter to the District Office for the area where the place of business of that Class 2 slaughterer is located. This report must be made on Revised Form DO 1-6 and must contain all the information required by that form. In addition, within five work days after the end of the first accounting period commencing after November 24, 1951, in which the slaughter for you of any one species of livestock by a Class 2 slaughterer exceeds 25,000 pounds live weight, you must mail to the District Office where the place of business of that Class 2 slaughterer is located a copy of your Form DO 1-5 listing your slaughter bases for slaughter by that Class 2 slaughterer. The accounting period for which reports

and forms must be filed pursuant to this section must conform to the accounting periods of the Class 2 slaughterer with respect to whose slaughter the report or form is being filed.

(b) In addition to other records or documents required to be kept by this regulation each Class 1 and Class 2 slaughterer must keep a record for each establishment, showing:

(1) The number of head and live weight of all cattle, calves, sheep and lambs, and swine, stated separately for each such species, which he slaughtered during each accounting period.

(2) The name and address of each person for whom he slaughtered cattle, calves, sheep and lambs or swine and the number and live weight of each such species of livestock slaughtered by him for each of said persons during each accounting period;

(3) The number of pounds of meat resulting from his slaughter of livestock, stated separately for each species, transferred during each accounting period.

(4) The number of pounds of meat resulting from his slaughter of livestock for other persons, stated separately for each species, and each person, transferred during each accounting period.

(5) The number of cattle hides, kips, and calfskins and sheep and lamb pelts sold or transferred by the slaughterer during each accounting period. Also the names and addresses of the persons to whom they were sold or transferred and the number of each kind transferred to each person.

(c) Each Class 1 and Class 2 slaughterer must keep a copy of his registration under this regulation and the records upon which his registration was based.

(d) Each Class 1 and Class 2 slaughterer must keep a record showing the name and address of each person for whom he slaughtered cattle, calves, sheep and lambs or swine; the dates on which he slaughtered for each such person; and the number and live weight of each such species of livestock which he slaughtered for each such person on each date. He must also keep the statements given to him as required by section 5 (c) and section 6 (b).

(e) Every person subject to this order must keep all records required under this regulation for as long as this regulation shall remain in effect.

(f) All records kept by all persons under this regulation may be inspected by the Office of Price Stabilization through any authorized representative. The inspection may be made at a person's place of business during regular business hours. Every person required to keep records under this regulation must keep them available for such inspection.

(g) The Office of Price Stabilization, through any authorized representative, may, at any reasonable time, inspect any place where livestock is or has been slaughtered, and any place at which a Class 1, Class 1A, Class 2, Class 2A, or Class 3 slaughterer is located.

(h) Information and documents obtained from any person under this regulation will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Director of the Office of Price Stabiliza-

tion (or a representative of the Office of Price Stabilization designated by him) finds that the requested disclosure is not contrary to law and consents to it.

(i) When used in this section:

"Accounting period" means the period of a calendar month or a period of at least four weeks and not more than five weeks in length used by you in keeping your books and records. The accounting periods for Class 1A and Class 2A slaughterers must, for the purposes of this section conform to the accounting periods of their Class 1 slaughterers (as shown on Form 34) and Class 2 slaughterers (as shown on Form DO 1-2), respectively.

"Slaughter base" means the pounds live weight of slaughter of a given species of livestock which a slaughterer was assigned by OPS (as shown on OPS Public Form No. 34 or OPS Form DO 1-2) or of slaughter for him which was assigned by OPS (as derived from OPS Form DO 1-4 or DO 1-5) for each accounting period during 1950.

"Work day" means any day except Saturday, Sunday or a legal holiday.

Effective date. This amendment shall become effective as of November 23, 1951.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

GARDNER ACKLEY,
Acting Director of Price Stabilization.

NOVEMBER 27, 1951.

[F. R. Doc. 51-14250; Filed, Nov. 27, 1951; 12:31 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board
[General Salary Order 6]

GSO 6—MAINTENANCE OF COMPENSATION RELATIONSHIPS

STATEMENT OF CONSIDERATIONS

Cost of living increases in salaries are not a widespread industrial practice for executive, administrative, professional and other employees subject to the jurisdiction of the Salary Stabilization Board, and it is not practicable for the Salary Stabilization Board to adopt regulations concerning such increases for employees subject to its jurisdiction. However, salary stabilization must not be permitted to prevent an employer from having the opportunity of maintaining historical or customary relationships and differentials in his company between the compensation of groups of employees subject to the jurisdiction of the Wage Stabilization Board and the compensation of various groups of his employees subject to the jurisdiction of the Salary Stabilization Board. The purpose of this order is to authorize appropriate adjustments in the salaries and other compensation of employees subject to the jurisdiction of the Salary Stabilization Board in order

to reestablish and maintain such historical or customary relationships and differentials.

REGULATORY PROVISIONS

Sec.

1. Authorized percentage increases.
2. Computation of authorized percentage increases.
3. Increases subsequent to the computation of the first adjustment.
4. Distribution of authorized increases.
5. Substitute methods of computation.
6. Records and reports.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. Authorized percentage increases. An employer may from time to time make adjustments in the salaries and other compensation of employees subject to the jurisdiction of the Salary Stabilization Board, as provided in sections 2 and 3, of this order without approval of the Office of Salary Stabilization, in order to reestablish and maintain historical or customary relationships and differentials which existed on January 25, 1951 between the compensation of various groups of his employees.

SEC. 2. Computation of authorized percentage increases. (a) For the purposes of this order:

(1) The term "base compensation" means compensation paid to an employee for the normal workweek, month or other normal time unit, exclusive of overtime, extended workweek compensation, shift differentials or other penalty or premium rates, vacation, holiday and like allowances (as distinguished from regular salary continued during vacation or holidays), bonuses authorized by General Wage Regulation 14 or General Salary Stabilization Regulation 2, commissions on sales and other business transactions, pension, insurance and health and welfare benefits paid by the employer or contributions of the employer on account thereof and other fringe benefits.

(2) An increase in base compensation shall include, among others, any cost-of-living or tandem increases under the provisions of wage or salary stabilization regulations but shall exclude merit or length of service increases, increases as the result of promotions or transfers or the assignment of an employee to a new or changed position, increases out of the 10 percent general increase fund permitted under wage or salary stabilization regulations, and increases granted in individual cases because of interplant inequities.

(b) The employer shall make separate computations for all the employees on his payroll subject to the jurisdiction of the Wage Stabilization Board, consolidating all such payrolls for the purpose on a uniform payroll period basis, and for the employees on his payroll subject to the jurisdiction of the Salary Stabilization Board, consolidating all such payrolls for the purpose on the same uniform payroll period basis.

(c) The employer may make such computations, without approval of the

Office of Salary Stabilization, as follows:

(1) Take all payroll periods beginning with the first payroll period commencing after January 26, 1951, and ending with the payroll period as of which the adjustment in base compensation authorized by this order is being computed.

(2) Compute for each such payroll period the dollar amount of all increases in base compensation granted in each such payroll period to employees subject to the jurisdiction of the Wage Stabilization Board.

(3) Divide the dollar amount of the total increases in base compensation for each payroll period in which increases have taken place by the dollar amount of the total base compensation paid all such employees for the payroll period. The result shall be considered the percentage increase granted in that payroll period.

(4) Add the percentage increases for each payroll period. The result shall be considered the gross percentage increase in base compensation granted such employees for all payroll periods included under subparagraph (1) of this paragraph.

(5) Compute similarly the gross percentage decrease in base compensation of such employees for all such payroll periods and deduct such percentage from the gross percentage increase computed in subparagraph (4) of this paragraph. The result shall be considered the net percentage increase in base compensation granted such employees during all payroll periods included under subparagraph (1) of this paragraph.

(6) Compute the net percentage increase in the base compensation of employees subject to the jurisdiction of the Salary Stabilization Board for all payroll periods included under subparagraph (1) of this paragraph in the same manner as the net percentage increase in the base compensation of employees subject to the jurisdiction of the Wage Stabilization Board was computed in subparagraphs (1) to (5) of this paragraph.

(d) If the net percentage increase granted to employees subject to the jurisdiction of the Salary Stabilization Board is less than the net percentage increase granted to employees subject to the jurisdiction of the Wage Stabilization Board, the difference represents the authorized percentage of base compensation of the employees under the jurisdiction of the Salary Stabilization Board by which their salaries and other compensation may be adjusted. The dollar amount obtained by multiplying by this authorized percentage the total base compensation payroll for such employees for the last payroll period included in the computation is the fund available to the employer per payroll period for future increases in salaries and other compensation.

SEC. 3. Increases subsequent to the computation of the first adjustment.

(a) If an employer desires to make adjustments in salaries and other compensation of employees under the jurisdiction of the Salary Stabilization Board pursuant to this order, subsequent to the

first computation of the amount of authorized percentage increases pursuant to section 2 of this order, he may proceed in the same manner as outlined in section 2 of this order. Each subsequent computation, however, shall begin with the payroll period immediately following the close of the last payroll period used by the employer in the preceding computation made pursuant to section 2 of this order.

(b) Any authorized percentage increase in the compensation of employees subject to the jurisdiction of the Salary Stabilization Board available to but unused by the employer under a preceding computation of percentage increases authorized under this order may be added by the employer to the authorized percentage increase obtained in a subsequent computation and may be used in computing the dollar amount thereof.

SEC. 4. Distribution of authorized increases. (a) The aggregate fund or any portion thereof under sections 2 and 3 of this order shall be available to the employer for adjustments in salaries and other compensation subject to the following limitations:

(1) Increases in salaries and other compensation authorized by this order may only be granted if the employer first applies so much of the fund as may be needed to restore historical or customary differentials in his company between the compensation of foremen and supervisors and employees supervised by them and thereafter to remove any existing inequities in the compensation of other employees or groups of employees subject to the jurisdiction of the Salary Stabilization Board.

(2) Any part of the fund not distributed pursuant to subparagraph (1) of this paragraph shall then be available to the employer for adjustments in salaries and other compensation for any employees, including those whose salaries and other compensation were increased under subparagraph (1) of this paragraph, but no employee shall receive out of such part of the fund an increase in compensation in excess of the authorized net percentage available under this order.

(b) To the extent that the aggregate fund available under this order has not been otherwise distributed, any part of the balance may be added to the bonus fund authorized by General Salary Stabilization Regulation 2 and paid by way of bonuses.

(c) Any increase in salaries and other compensation authorized by this order shall not be chargeable against the ten (10) percent general increase fund available to an employer for increases in salaries and other compensation under General Salary Stabilization Regulation 1.

SEC. 5. Substitute methods of computation. In any case in which, because of the employer's payroll practices or for any other reason, the employer is unable to make the computations provided for in sections 2 and 3 of this order, he may apply to the Office of Salary Stabilization for approval of a substitute computation to accomplish substantially the same purpose as the computation

provided for in such sections. The Office of Salary Stabilization may approve any such application provided that it finds that the substitute formula is consistent with the computation provided for in, and with the purposes of, this order.

SEC. 6. Records and reports. The employer shall keep records sufficient to establish compliance with this order. Such records shall be kept for three years following each calendar year in which an adjustment in salary or other compensation authorized by this order is made. Such records shall be sufficient, among other things, to permit the preparation and filing of reports, if and when required by the Office of Salary Stabilization, showing the following:

(a) The amount of the fund for increases in compensation available to the employer under sections 2 and 3 of this order and the total amount actually distributed.

(b) The step-by-step computation made by the employer, in accordance with sections 2 and 3 of this order, of the authorized net percentage increase in compensation and of the amount of the fund.

(c) The distribution of the fund, including the amount thereof used for the restoration of the differentials of foremen and supervisors, the amount thereof used to correct other inequities, and the nature of the other adjustments made.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Salary Stabilization Board.

RAYMOND B. ALLEN,
Chairman.

OCTOBER 30, 1951.

[F. R. Doc. 51-14150; Filed, Nov. 27, 1951;
8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 1 of the act of April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.90 is hereby amended, and § 202.22 is hereby prescribed as follows:

SUBPART A—SPECIAL ANCHORAGE AREAS

§ 202.22 *Plum Island Sound off Great Neck, Mass.* The waters of Plum Island Sound within the quadrant of a circle bounded by radii 2,600 feet long, bearing due north and 90°, respectively, from latitude 42°42'18", longitude 70°48'12", and the included arc.

§ 202.90 *San Diego Harbor, Calif.*—(a) *Area A-1.* All of the Municipal Yacht Harbor channel-ward of the established United States Pier-head line outlining the basin (Stations 120, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 160 and 162); exclusive of a fairway

400 feet wide running the entire length of the basin whose center line is described as follows: Beginning at a point bearing 95° 51' 30", 250 feet, from Station 120; thence 5° 51' 30" to an intersection with a line 317° 42' 30", 350 feet, from, and parallel to, that portion of the pierhead line between Stations 280 and 278, extended in both directions; and thence along the last-described line, 47° 42' 30", to that portion of the pierhead line between Stations 274 and 276.

NOTE: This area is reserved for yachts and other recreational craft, and for all types of small craft during storm, stress, or other emergency. Single and fore and aft moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

(b) *Area A-2.* An area in the central part of the Commercial Basin (the basin being outlined by the established United States Pierhead Line Stations 176, 178, 288, 290, 292, 294, 296, and 298), described as follows: Beginning at a point on the prolongation of that portion of the pierhead line between Stations 290 and 288 (36°19'36") bearing 216° 19' 36", 250 feet, from a point on the pierhead line between Stations 296 and 298; thence to a point bearing 306° 19' 36", 300 feet, from a point on the pierhead line between Stations 288 and 290, and 35° 44' 30", 450 feet, from a point on the pierhead line between Stations 290 and 292; thence to a point bearing 306° 19' 36", 475 feet, from a point on the pierhead line between Stations 288 and 290, and 35° 44' 30", 350 feet, from a point on the pierhead line between Stations 290 and 292; thence to a point bearing 35° 44' 30", 350 feet, from a point on the pierhead line between Stations 290 and 292, and 125° 44' 40", 250 feet, from a point on the pierhead line between Stations 292 and 294; thence to a point bearing 125° 44' 40", 250 feet, from a point on the pierhead line between Stations 292 and 294, and 180° 23' 25", 250 feet, from a point on the pierhead line between Stations 294 and 296; thence to a point bearing 180° 23' 25", 250 feet, from a point on the pierhead line between Stations 294 and 296, and 216° 19' 36", 250 feet, from a point on the pierhead line between Stations 296 and 298; and thence to the point of beginning.

NOTE: This area is reserved for commercial fishing boats having a length of 65 feet and under. Single and fore and aft moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

(c) *Area A-3.* An area between the United States Bulkhead and Pierhead Lines bounded on the north by a portion of the bulkhead line between Stations 218 and 220; on the northeast by a portion of the bulkhead line between Stations 220 and 222; on the southeast by a line perpendicular to that portion of the bulkhead line between Stations 220 and 222 at a point 1,300 feet southeasterly of Station 220; on the southwest by a portion of the pierhead line between Stations 306 and 304; and on the west by a line extending southward from the intersection of the east side of Kettner Boulevard with the northeast side of Harbor Drive, San Diego, toward the northwest corner of the Union Oil Company's wharf, Coronado.

NOTE: This area is reserved for commercial fishing boats having a length of 65 feet and under. Single and fore and aft moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

(d) *Area A-4.* Shoreward of a line extending from United States Bulkhead Line Station 151 to Station 157.

NOTE: This area is reserved for yachts and other small recreational craft. Fixed moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

(e) *Area A-5.* Shoreward of a line extending from United States Bulkhead Line Station 159 to Station 171.

NOTE: This area is reserved for yachts and other small recreational craft. Fixed moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

2. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), §§ 202.210 and 202.214 are hereby amended, and § 202.190 is hereby prescribed, as follows:

SUBPART B—ANCHORAGE GROUNDS

§ 202.190 *Tortugas Harbor, in vicinity of Garden Key, Dry Tortugas, Fla.*—(a) *The anchorage grounds.* All of Bird Key Harbor, southwest of Garden Key, bounded by the surrounding reefs and shoals and, on the northeast, by a line extending from Fort Jefferson West Channel Daybeacon 2 to Fort Jefferson West Channel Daybeacon 4, thence to Fort Jefferson West Channel Daybeacon 6, and thence to Fort Jefferson West channel Daybeacon 8.

(b) *The regulations.* Except in cases of emergency involving danger to life or property, no vessel engaged in commercial fishing or shrimping shall anchor in any of the channels, harbors, or lagoons in the vicinity of Garden Key, Bush Key, or the surrounding shoals, outside of Bird Key Harbor.

§ 202.210 *San Diego Harbor, Calif.*—(a) *The anchorage grounds.* The anchorage grounds for general use shall include all of the navigable waters of the harbor except cable and pipe-line areas, the special anchorage areas described in § 202.90, the seaplane restricted area described in § 207.612 of this chapter, and the following:

(1) *Special anchorage for U. S. Government vessels.*—Shoreward of a line extending from Ballast Point Light approximately 351° 30' to the shore end of the Quarantine Dock.

(2) *Seaplane area, U. S. Coast Guard Air Station.* An area extending easterly from the Coast Guard Air Station, bounded on the north by a line parallel to and 100 feet bayward of the high-water line, on the east by a line from United States Pierhead Line Station 300 to Bulkhead Station 210 and extended northward, and on the south by that portion of the pierhead line between Stations 206 and 300.

(3) *Cable and pipe-line area and ferry lane.* A lane between San Diego and Coronado bounded on the east by a line extending southward from the intersection of the east side of Kettner Boulevard with the northeast side of Harbor Drive, San Diego, to the northwest cor-

ner of the Union Oil Company's wharf, Coronado, and on the west by a line extending due north from the intersection of the west side of "E" Avenue with the south side of First Street, Coronado, and a line extending 225° from the intersection of the west side of Pacific Highway with the north side of Harbor Drive, San Diego.

(4) *Temporary naval anchorage.* Beginning at a point on the high-tide line bearing 25° 30', approximately 1,200 feet, from North Tower, Coronado Heights; thence 25° 30', 7,343 feet; thence approximately 351° 57' 41", 11,930 feet, to United States Pierhead Line Station 318; thence 261° 57' 41", approximately 902 feet, to a point on the east boundary line of the seaplane restricted area approximately 168 feet southerly of a point "e" as described in § 207.612 of this chapter; thence southerly and southwesterly along the boundary line of the seaplane restricted area through point "f" to point "g"; and thence southerly along the high-tide line to the point of beginning.

(b) *The regulations.* (1) Vessels anchoring in portions of the harbor other than the areas excepted in paragraph (a) of this section shall leave a free passage for other craft and shall not unreasonably obstruct the approaches to the wharves in the harbor.

(2) The special anchorage described in paragraph (a) (1) of this section is reserved exclusively for the anchorage of vessels of the United States Government and of authorized harbor pilot boats. No other vessels shall anchor in this area except by special permission obtained in advance from the Commandant, Eleventh Naval District, San Diego, California.

(3) The seaplane area described in paragraph (a) (2) of this section is reserved exclusively for the use of seaplanes and their attendant plant. Vessels may pass through the area but are not permitted to anchor in the area at any time.

(4) The area described in paragraph (a) (3) of this section is occupied by submerged pipe lines, power cables, and communication cables and is extensively used as a ferry lane by the San Diego-Coronado ferries. No vessels shall anchor in this area at any time.

(5) The temporary naval anchorage described in paragraph (a) (4) of this section is reserved as a special anchorage for naval vessels of the United States and authorized harbor pilot boats. When the area or a part thereof is not required for the use of naval craft, navigation by other craft may be permitted provided permission is obtained in advance from the Commandant, Eleventh Naval District, San Diego, California.

§ 202.214 *Los Angeles and Long Beach Harbors, Calif.*—(a) *The anchorage grounds.* * * *

(8) *Explosives anchorages*—(i) *No. 1.* A circular area within Anchorage D of 900-foot radius whose center bears 266°, 4,650 yards, from Long Beach Harbor Light.

(ii) *No. 2.* A circular area within Anchorage D of 900-foot radius whose center bears 276°, 2,975 yards, from Long Beach Harbor Light.

(iii) *No. 3.* A circular area within Anchorage E of 900-foot radius whose center bears 69°, 2,260 yards, from Long Beach Harbor Light.

(iv) *Safety zones.* When an explosives anchorage is occupied by a vessel carrying, loading, or unloading explosives, a circular zone surrounding the explosives anchorage of 600 yards or of 1,000 yards, as the Captain of the Port may determine, may be declared by the Captain of the Port to be a forbidden anchorage in the interests of port security and commerce. Vessels within such circular zone, upon being notified by the Captain of the Port to move or shift position, shall get under way at once or signal for a tug and change position as directed with reasonable promptness.

(b) *The regulations.* * * *

(4) No vessel, while carrying, loading, or unloading explosives as commercial cargo, shall anchor in any of the established anchorages, including the explosives anchorages, or in any other areas within Los Angeles and Long Beach Harbors as defined by the San Pedro, Middle, and Long Beach breakwaters, or closer than one nautical mile to any part of said breakwaters in the waters seaward thereof, without permission of the Captain of the Port. In granting permission for the anchorage of vessels carrying, loading, or unloading explosives in quantities in excess of 500 tons, the Captain of the Port will be guided by other activities in the harbor and the requirements of the American Table of Distances for remoteness and isolation. Any such vessel shall constantly be kept in readiness to get under way with towboats standing by if the vessel is inoperative.

[Regs., Oct. 31, 1951, 900.212-ENGWO] (38 Stat. 1053, 54 Stat. 150; 33 U. S. C. 180, 471)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-14123; Filed, Nov. 27, 1951; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation Department of the Interior

PART 405—CERTAIN LANDS SOUGHT TO BE COVERED BY RECORDABLE CONTRACTS; COLUMBIA BASIN PROJECT

Sec.
405.1 Purpose.
405.2 Definitions.
405.3 Conditions precedent to finding by the Secretary.
405.4 Conditions precedent to the execution of recordable contracts by the United States.

AUTHORITY: §§ 405.1 to 405.4 issued under sec. 8, 57 Stat. 20; 16 U. S. C. 835c-4.

§ 405.1 *Purpose.* The purpose of §§ 405.1 to 405.4 is the establishment of rules and regulations to be complied with by landowners as a condition precedent to the Secretary's making findings with respect to certain lands sought to be covered by recordable contracts and to the execution of recordable contracts by the United States on the Columbia Basin

Project pursuant to the Columbia Basin Project Act, as amended by the act of September 26, 1950 (16 U. S. C. 835, et seq.), and Chapter 275, Laws of Washington, 1943, as amended by Chapter 200, Laws of Washington, 1951.

§ 405.2 *Definitions.* As used in this part the terms:

(a) "Secretary" shall mean the Secretary of the Interior or his duly authorized representative.

(b) "District Manager" shall mean the District Manager, Columbia River District, Bureau of Reclamation.

(c) "Project" shall mean the Columbia Basin Project, a Bureau of Reclamation project.

(d) "Irrigation District" shall mean any one of the three Columbia Basin Irrigation Districts on the Columbia Basin Project.

(e) "Total Purchase Price" shall mean the total consideration in money and other property paid or contracted to be paid directly or indirectly for the land by the landowner or anyone else on his behalf or for his benefit, including the amount of any mortgage, lien, or unpaid balance on the property in connection with the financing of any purchase or improvement thereof which the landowner paid, assumed, or took subject to.

§ 405.3 *Conditions precedent to findings by the Secretary.* As a condition precedent to a finding by the Secretary as to whether a transaction, in which a landowner (or his ancestors or devisees if he holds as an heir or devisee) acquired legal or equitable title to land subsequent to October 27, 1947, and to which land he has not held legal or equitable title for more than ten years at the time of seeking to have it covered by a recordable contract (including the period of holding by his ancestors or devisees where title is held as an heir or devisee), was bona fide and for a consideration not in excess of the full fair market value of the land valued as of the date of the transaction without increment by reason of the project, such land owner will be required to:

(a) Submit an affidavit to the District Manager executed by himself, or, if he is not personally familiar with the transaction, by the seller, real estate broker or someone else thoroughly familiar with the transaction in which he or his ancestors or devisees acquired title on a farm furnished by the District Manager which shall include, among others, statements of:

(1) The legal description of the land acquired.

(2) How and when the land was acquired, from whom it was acquired, the purpose for which it was acquired, the use to which it has been put since, and the total purchase price.

(3) Whether any other real or personal property was acquired or contracted to be acquired from the seller by the landowner or by anyone else on his behalf or for his benefit at or about the same time and, if so, the description thereof and the purchase price.

(4) Whether the land was acquired through the exercise of an option to purchase in a lease and, if so, the purpose for which the land was leased, the use

to which it was put during the lease, and the amount of rent paid or contracted to be paid thereunder.

(5) Whether he has an agreement or understanding, expressed or implied, that he will reconvey the land to the person from whom he acquired it or someone else.

(6) Whether he is holding title to the land in his own right or for someone else, and, in case of the latter, whether that person owns other land on the project.

(7) Whether an investigation was made to determine the fair market value of the land at the time of acquisition and that the purchase price did not include any increment by reason of the project and, if so, what the investigation consisted of.

(b) Furnish all other corroborative documents, papers, and information requested by the District Manager.

§ 405.4 *Conditions precedent to the execution of recordable contracts by the United States.* As a condition precedent to the execution of a recordable contract by the United States where a landowner (or his ancestors or devisees if he holds as heir or devisee) acquired legal or equitable title to land on or before October 28, 1947, or where he has held legal or equitable title for ten years or more at the time of seeking to have the land covered by a recordable contract (including the period of holding by his ancestors or devisees where title is held as an heir or devisee), or where the Secretary has made a finding that the transaction in which he or his ancestors or devisees acquired title was bona fide and for a consideration not in excess of the full fair market value of the land valued as of the date of the transaction without increment by reason of the project, such landowner will be required to:

(a) Furnish, for record purposes (unless theretofore furnished), a statement on a form to be provided by the District Manager as to when he (or his ancestors or devisees where title is held as an heir or devisee) acquired legal or equitable title to the land, what interest he acquired therein, and where and when the deed or other instrument by which he acquired that interest was filed or recorded.

(b) Have his lands included within the operation of the Irrigation District in which they are located, if they have not already been included therein, except that where he has filed a petition for inclusion and there is insufficient time to complete the proceedings before the time for executing a recordable contract will expire, the United States may execute the contract and insert it therein the condition that the contract shall not become effective until the land is included within the operation of the Irrigation District.

(c) Include in the recordable contract all his lands within or which are being included within the operation of the Irrigation District which can be included in farm units and which will receive water at substantially the same time, except such lands as he may be using or intend to use for other than farming purposes.

Revocation. Sections 405.1 to 405.4 supersede Departmental Order No. 2661.¹

R. D. SEARLES,
Under Secretary of the Interior.

NOVEMBER 21, 1951.

[F. R. Doc. 51-14130; Filed, Nov. 27, 1951;
8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 51-55]

Subchapter F—Marine Engineering

PART 57—INSTALLATIONS, TESTS, INSPECTIONS, REPAIRS, AND MISCELLANEOUS REQUIREMENTS

Subchapter Q—Specifications

PART 162—ENGINEERING EQUIPMENT

FUSIBLE PLUGS FOR MERCHANT VESSELS

A notice regarding proposed changes in the regulations for fusible plugs was published in the FEDERAL REGISTER dated August 16, 1951, 16 F. R. 8136-8139, as Item VIII on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 18, 1951, in Washington, D. C. There were no comments submitted for consideration by the Merchant Marine Council on this item.

The purpose for revising requirements for fusible plugs for merchant vessels is to (a) revise and bring up to date the specification requirements for fusible plugs, (b) add new requirements for fusible plugs in small fire tube boilers, and (c) transfer specification requirements primarily applicable to manufacturers only from Subchapter F—Marine Engineering to Subchapter Q—Specifications in 46 CFR. Since the requirements for fusible plugs apply primarily to the manufacturing of this item, it will not be published in the "Marine Engineering Regulations and Material Specifications."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER:

1. Section 57.25-1 *Definitions* is canceled.
2. Section 57.25-5 *Detail requirements* is canceled.
3. Section 57.25-10 *Tests* is canceled.
4. Section 57.25-15 *Rejections* is canceled.
5. Section 57.25-20 *Marking of fusible plugs* is canceled.
6. Section 57.25-25 *Forwarding of samples* is canceled.
7. Part 162 is amended by adding a new Subpart 162.014, containing

¹ Not filed with the Federal Register Division.

§§ 162.014-1 to 162.014-8, inclusive, reading as follows:

SUBPART 162.014—FUSIBLE PLUGS FOR MERCHANT VESSELS

Sec.	
162.014-1	Applicable specifications and plans.
162.014-2	General requirements.
162.014-3	Types.
162.014-4	Materials.
162.014-5	Construction and workmanship.
162.014-6	Inspections and tests.
162.014-7	Marking.
162.014-8	Procedure of acceptance of fusible plugs.

AUTHORITY: §§ 162.014-1 to 162.014-8 issued under R. S. 4405, 4417a, as amended, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 367, 1333, 50 U. S. C. 1275. Interpret or apply R. S. 4418, 4426, 4427, 4429, 4430, 4432, 4433, and 4434, as amended; 46 U. S. C. 392, 404, 405, 407, 408, 410, 411, 412.

§ 162.014-1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date fusible plugs are manufactured, form a part of this subpart.

(1) A.S.T.M. standard specifications:

- B 61, Specification for steam or valve bronze castings.
- B 143, Specification for tin-bronze and leaded tin-bronze sand castings.

(b) *Plan.* The following plan, of the issue in effect on the date fusible plugs are manufactured, forms a part of this subpart:

Drawing No. 162.014-1 (b), Acceptable fusible plugs.

(c) *Copies on file.* Copies of the above specifications and reference plan shall be kept on file by the manufacturer, together with letters of acceptance issued by the Coast Guard for heats of fusible plugs meeting Coast Guard requirements. The Coast Guard specification and reference plan may be obtained upon request from the Commandant, United States Coast Guard Headquarters, Washington 25, D. C. The A. S. T. M. specifications may be purchased from the American Society for Testing Materials, 1916 Race St., Philadelphia 3, Pennsylvania.

§ 162.014-2 *General requirements.* (a) The manufacture and testing of water-side and fire-side fusible plugs intended for use in boilers installed on merchant vessels subject to inspection by the Coast Guard shall be in accordance with the requirements in this subpart.

§ 162.014-3 *Types.* (a) Water-side plugs are fusible plugs which are inserted from the water-side of the boiler plate, flue or tube to which they are attached.

(b) Fire-side plugs are fusible plugs which are inserted from the fire-side of the boiler plate, flue, or tube to which they are attached.

§ 162.014-4 *Materials*—(a) *Casings.* The casings of fusible plugs shall be made of bronze meeting the minimum requirements of A. S. T. M. specification B 61, or B 143, grade 1A or 1B.

(b) *Fillings.* Fusible plugs shall be filled with material of the following composition:

	Percent
Pure tin, minimum.....	99.3
Copper, maximum.....	.5
Lead, maximum.....	.1
Total impurities, maximum.....	.7

§ 162.014-5 *Construction and workmanship.* (a) The casings of fusible plugs shall be machined to the dimensions not less than those shown in Dwg. No. 162.014-1 (b), Sketch A for $\frac{3}{8}$ " (i. p. s.) water-side plugs, Sketch B for $\frac{1}{2}$ " (i. p. s.) and larger water-side plugs, Sketch C for $\frac{1}{2}$ " (i. p. s.) and larger fire-side plugs, and Sketch D for $\frac{3}{8}$ " (i. p. s.) fire-side plugs.

(b) The bore of the casing shall be filled with fusible metal from the water end to the point of least diameter of the bore. The tin filling shall be carefully alloyed to the casing.

§ 162.014-6 *Inspections and tests—*
(a) *Inspections.* Fusible plugs specified by this subpart are not subject to inspection at the place of manufacture.

(b) *Tests.* Fusible plugs specified by this subpart shall be subject to the tests prescribed in this subpart. The manufacturer shall bear the cost of such tests.

(1) *Number of test samples.* Two sample plugs shall be selected at random from each heat or lot of 500 plugs or fraction thereof, for physical test and chemical analysis. (See § 162.014-8).

(2) *Impact test.* The filling of one sample plug shall be tested for tightness by striking the small end of the plug three blows equivalent to 5 foot-pounds of energy per blow. If these tests reveal a loose filling the entire lot or heat shall be rejected.

(3) *Chemical analysis.* The casing of one sample plug shall be tested for chemical analysis by drilling or cutting the sample casing in such a manner as to be representative of the entire cross-section. The filling of one sample test plug shall be melted out of the casing by a ring burner and caught in a clean graphite crucible to be used as a sample for check analysis. The chemical compositions thus determined shall conform to the requirements specified in § 162.014-4. Failure to comply with these requirements shall be cause for rejection of the entire lot or heat.

(4) *Alloying test.* The inside of the casing used for chemical analysis shall show that the tin filling was properly alloyed to the casing. Evidence of improper or incomplete alloying shall be cause for rejection of the entire lot or heat.

§ 162.014-7 *Marking.* (a) The name or trade-mark of the manufacturer shall be stamped on the face of the casing for identification.

(b) All fusible plugs shall be numbered in accordance with the number of the heat from which the plugs were filled. For example, the first pouring shall be number 1, and all plugs filled from this heat shall be numbered 1; the next pouring shall be number 2, and all plugs filled from this heat shall be numbered 2, etc. The heat number shall be plainly stamped on the large end of the filling. When more than 500 plugs are poured from one heat, the plugs shall be subdivided into lots of not more than 500. When the heat is subdivided, the number of the lot shall also be plainly

stamped on the large end of the filling. The first lot of the heat shall be numbered 1, the next lot 2, etc.

(c) The heat and lot numbers shall be not less than $\frac{1}{12}$ inch in height.

§ 162.014-8 *Procedure of acceptance of fusible plugs—*(a) *General.* A fusible plug manufacturer who desires to have his product accepted for marine use shall submit a request to the Commandant, United States Coast Guard Headquarters, Washington, D. C. The manufacturer will then be notified to send the required test samples (see § 162.014-6 (b)) to an acceptable test laboratory for physical and chemical tests required by § 162.014-6. The test samples furnished shall bear the same number as the heat or lot it was selected from and shall be representative of the fusible plugs of such heat or lot.

(b) *Forwarding of letter of transmittal.* At the time the samples are sent to the test laboratory the manufacturer shall forward direct to the Commandant (MMT), United States Coast Guard Headquarters, Washington 25, D. C., a letter containing the following information and a copy of this letter shall also be forwarded to the test laboratory:

- (1) Number of heat and lot.
- (2) Size and type of fusible plugs manufactured from each heat.
- (3) Number of fusible plugs manufactured from each heat.
- (4) Number of samples of fusible plugs forwarded to test laboratory from each heat.

(5) Name of manufacturer or trade-mark stamped on casing of fusible plug.

(c) *Forwarding of test laboratory's report.* The original test laboratory's report of the physical test and chemical analysis of sample fusible plugs for each heat or lot shall be forwarded to the Commandant (MMT), United States Coast Guard Headquarters, Washington 25, D. C.

(d) *Acceptance or rejection.* Upon receipt of the test laboratory's report of the tests required by § 162.014-6 on the sample fusible plugs submitted, the Coast Guard will issue to the manufacturer a letter of acceptance or rejection of the heat or lot number represented by the sample plugs. The Coast Guard reserves the right to reject any heat or lot of fusible plugs for failure to conform to any of the requirements in this subpart, or for any other defect which might render them unsafe or inoperative.

Dated: November 20, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-14156; Filed, Nov. 27, 1951;
8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 20—PIPE LINE COMPANIES: UNIFORM SYSTEM OF ACCOUNTS PIPE-LINE TAXES

At a session of the Interstate Commerce Commission, Division 1, held at

its office in Washington, D. C., on the 15th day of November A. D. 1951.

The matter of modifying the "Uniform System of Accounts for Pipe Lines," being under consideration pursuant to the provisions of section 20 of the Interstate Commerce Act (34 Stat 593, 54 Stat. 917, 49 U. S. C. 20 (3)) and good cause appearing: *It is ordered, That:*

1. Any interested party may on or before December 21, 1951, file with the Commission a written statement of reasons why the modification should not become effective as hereinafter ordered and may request oral argument thereon.

2. Unless otherwise ordered upon consideration of such objections, the "Uniform System of Accounts for Pipe Lines," shall effective January 1, 1952 be modified by canceling Note A to § 20.412 *Pipe-line taxes*, and substituting the following for it:

NOTE A: Taxes on leased pipe-line property shall be included in this account by the lessor. To the extent that such taxes are assumed by the lessee under the lease, the amounts thereof shall increase the rent as recorded by both lessee and lessor.

3. A copy of this order shall be served upon every carrier by pipe line subject to the act, and upon every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-14158; Filed, Nov. 27, 1951;
8:51 a. m.]

[Ex Parte 174]

PART 91—INSPECTION

RULES AND INSTRUCTIONS FOR INSPECTION AND TESTING OF LOCOMOTIVES OTHER THAN STEAM

Upon further consideration of the order heretofore entered in the above-entitled proceeding on January 29, 1951, and for good cause shown:

It is ordered, That the time within which § 91.205 of the rules, standards and instructions prescribed by said order of January 29, 1951, may be complied with, be and it is hereby extended from January 1, 1952, to March 1, 1952.

Dated at Washington, D. C., this 19th day of November A. D. 1951.

By the Commission, Commissioner Patterson.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-14157; Filed, Nov. 27, 1951;
8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 903]

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MAR- KETING AGREEMENT AND PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at St. Louis, Missouri, on August 8-10 and 13-15, 1951, pursuant to notice thereof which was published in the FEDERAL REGISTER on July 21, 1951 (16 F. R. 7157), upon proposed amendments to the tentative marketing agreement and to the order as amended regulating the handling of milk in the St. Louis marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Assistant Administrator, Production and Marketing Administration, on October 19, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on October 26, 1951 (16 F. R. 10898).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Rulings contained in the recommended decision upon proposed findings and conclusions submitted by interested persons are confirmed except as modified by the findings and conclusions set forth herein. To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings, conclusions, and rulings of the recommended decision (16 F. R. 10898, Doc. 51-12876) are hereby approved and adopted as the issues, findings, conclusions and rulings of this decision as if set forth in full

herein, subject to the following modifications described with reference to FEDERAL REGISTER, Doc. 51-12876, 16 F. R. 10898:

1. Add after the third paragraph beginning in column 1, page 10899 the following:

Producers' milk may still be shifted back and forth between regulated plants at any time throughout the year when Class I requirements so dictate because the order herein provided would make the primary determination of producer status on the basis of whether the milk was received at a city or country plant.

2. On page 10899, add after the last paragraph in column 2 the following:

The dairy farmers supplying milk to a handler who would be partially exempted from the provisions of this order under the foregoing proposal should not be considered as producers under the St. Louis order. It would not be advisable to include as producers under the St. Louis order persons producing milk received at a plant regulated by another order issued pursuant to the act on the basis of milk so received.

3. Add in the 8th line of the first paragraph beginning in the 3d column of page 10901 after the word "milk" the following: "outside the marketing area".

4. Add after the second sentence in the third paragraph beginning in column 1, page 10901, the following:

To alter the method of distributing returns to producers in the manner proposed might cause them to seek other outlets for their milk, and thereby disrupt the regular flow of milk to the marketing area.

Determination of representative period. The month of September 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of November 1951.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

*Order¹ as Amended, Regulating the
Handling of Milk in the St. Louis, Mis-
souri, Marketing Area*

Sec.	
903.0	Findings and determinations.
	DEFINITIONS
903.1	Act.
903.2	Secretary.
903.3	Department of Agriculture.
903.4	Person.
903.5	St. Louis, Missouri, marketing area.
903.6	Delivery period.
903.7	Producer.
903.8	City plant.
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903.10	Handler.
903.11	Producer-handler.
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903.13	Other source milk.
	MARKET ADMINISTRATOR
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	REPORTS, RECORDS, AND FACILITIES
903.30	Reports of receipts and utilization.
903.31	Reports of payments to producers.
903.32	Reports of transportation rates.
903.33	Reports of producer-handlers.
903.34	Records and facilities.
903.35	Retention of records.
	CLASSIFICATION OF MILK
903.40	Basis of classification.
903.41	Classes of utilization.
903.42	Responsibility of handlers and reclassification of milk.
903.43	Transfers.
903.44	Computation of skim milk and butterfat in each class.
903.45	Allocation of skim milk and butterfat classified.
903.46	Determination of producer milk in each class.
	MINIMUM PRICES
903.50	Basic formula price.
903.51	Class prices.
903.52	Location differentials to handlers.
903.53	Butterfat differential to handlers.
	APPLICATION OF PROVISIONS
903.60	Producer-handlers.
903.61	Handlers subject to other Federal orders.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

Sec.	
903.70	Computation of the value of milk for each handler.
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PAYMENTS

903.80	Payments to producers.
903.81	Butterfat differential to producers.
903.82	Location differentials to producers.
903.83	Errors in payment.
903.84	Additional payments.
903.85	Expense of administration.
903.86	Marketing services.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

903.90	Effective time.
903.91	Suspension and termination.
903.92	Continuing power and duty.
903.93	Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

903.100	Unfair methods of competition.
903.101	Separability of provisions.
903.102	Agents.
903.103	Termination of obligations.

AUTHORITY: §§ 903.0 to 903.103 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held August 8-10 and 13-15, 1951, at St. Louis, Missouri upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates

the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce and directly burden, obstruct, or affect interstate commerce in milk and its products.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 903.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 903.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties, pursuant to the act, of the Secretary of Agriculture.

§ 903.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 903.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 903.5 *St. Louis, Missouri, marketing area.* "St. Louis, Missouri, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the City of St. Louis and the territory within St. Louis County, both in Missouri; and the territory within Scott Military Reservation, and East St. Louis, Centreville, Canteen, and Stites Townships, and the City of Belleville, all in St. Clair County, Illinois.

§ 903.6 *Delivery period.* "Delivery period" means a calendar month, or the portion thereof during which this subpart or any amendment thereto is in effect.

§ 903.7 *Producer.* "Producer" means any person who produces Grade A or Grade B raw milk under a dairy farm permit or rating issued by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area which milk is received at a city plant, at a country plant, or diverted from a city plant or country plant during the months of March through September to any other milk distributing or milk manufacturing plant for the account of a handler. Milk so diverted shall be deemed to have been received at the plant from which diverted. This definition shall not include a person who produces milk which

is received at the plant of a handler partially exempt from the provisions of this order pursuant to § 903.61 with respect to milk received by such handler.

§ 903.8 *City plant.* "City plant" means a plant where milk is received from producers or from a country plant, and from which packaged milk, skim milk, or cream is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores.

§ 903.9 *Country plant.* "Country plant" means a plant except a city plant at which milk is received from producers and which is approved by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area to furnish milk to a city plant.

§ 903.10 *Handler.* "Handler" means any person in his capacity as the operator of a city plant or a country plant, or a producer-handler.

§ 903.11 *Producer-handler.* "Producer-handler" means any person who is a producer and who processes milk from his own farm production distributing all or a portion of such milk within the marketing area as Class I milk but who receives no milk from other producers.

§ 903.12 *Non-handler.* "Non-handler" means any person who is not a handler but who distributes fluid milk on retail or wholesale routes, or engages in the manufacture of milk products.

§ 903.13 *Other source milk.* "Other source milk" means all skim milk and butterfat transferred in any form by a producer-handler to a handler, and all skim milk and butterfat received in any form from a source other than a producer, a city plant or a country plant, except any Class II nonfluid milk product which is received and disposed of in the same form.

MARKET ADMINISTRATOR

§ 903.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 903.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 903.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful per-

formance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds received pursuant to § 903.85 the cost of his bond and of the bonds of his employees, his own compensation and all other expenses (except those incurred under § 903.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and submit such books and records to examination by the Secretary as requested;

(f) Furnish such information and such verified reports as the Secretary may request;

(g) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information;

(h) Publicly disclose to handlers and to producers, unless otherwise directed by the Secretary, the name of any handler who, within 15 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 903.30 through 903.33, or payments pursuant to §§ 903.80 through 903.84;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce on or before:

(1) The 6th day of each delivery period the minimum price for Class I milk pursuant to § 903.51 (a), and the Class I butterfat differential pursuant to § 903.53 (a), both for the current delivery period; and the minimum price for Class II milk pursuant to § 903.51 (b) and the Class II butterfat differential pursuant to § 903.53 (b), both for the preceding delivery period; and

(2) The 10th day after the end of each delivery period, the uniform price for each handler pursuant to § 903.71 and the producer butterfat differential pursuant to § 903.81 and any adjustments pursuant to § 903.71 (c).

REPORTS, RECORDS, AND FACILITIES

§ 903.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his city plants and country plants within such delivery period of (1) milk

from producers, (2) milk, skim milk, cream and milk products from other handlers, and (3) other source milk;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(c) The name and address of each producer from whom milk is received for the first time, and the date on which such milk was first received; and

(d) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer.

§ 903.31 *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler shall report to the market administrator his producer payroll for such delivery period which shall show for each producer (a) the total pounds of milk received from such producer with the average butterfat test thereof, (b) the net amount of the payment made to such producer together with the price, deductions, and charges involved, and (c) the amount and nature of any payments made pursuant to § 903.83.

§ 903.32 *Reports of transportation rates.* On or before the 10th day after the request of the market administrator, each handler shall submit a schedule of transportation rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 903.33 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 903.34 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available for such examination of the market administrator or his representative all records, facilities, operations, and equipment as the market administrator deems necessary to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat and other content all milk and milk products handled; and (c) verify payments to producers.

§ 903.35 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is neces-

sary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 903.40 *Basis of classification.* All skim milk and butterfat received by a handler in (a) milk from producers, (b) milk, skim milk, cream, and other milk products from other handlers, and (c) other source milk, shall be classified by the market administrator in the classes set forth in § 903.41.

§ 903.41 *Classes of utilization.* Subject to the conditions set forth in §§ 903.42 through 903.45, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (fresh, frozen, or sour);

(2) In milk, flavored milk, or flavored milk drinks in concentrated form (fresh or frozen) not sterilized, packaged and disposed of on routes or through plant stores for fluid consumption; and

(3) Not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat accounted for:

(1) As having been used or disposed of in any product other than those specified in Class I milk;

(2) In inventory variation of milk, skim milk, cream, or any Class I product; and

(3) In shrinkage allocated to receipts of milk from producers, except milk diverted to a non-handler pursuant to § 903.7, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and in shrinkage allocated to receipts of other source milk: *Provided*, That shrinkage of skim milk and butterfat, respectively, shall be allocated pro rata to milk received from producers and to other source milk.

§ 903.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler (except a producer-handler) in another class.

§ 903.43 *Transfers.* (a) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream, by transfer or diversion, from a city plant of a handler to any plant of another handler, except a producer-handler, shall be classified as Class I milk, unless utilization in another

class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, in which case such skim milk and butterfat shall be classified according to such mutual agreement: *Provided*, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 903.45, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk.

(b) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream, by transfer or transfer of title, from a country plant of a handler to a country plant or a city plant of another handler, except a producer-handler, shall be classified as Class I milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, in which case such skim milk and butterfat shall be classified according to such mutual agreement: *Provided*, That the amount of skim milk or butterfat classified as Class I milk pursuant to this paragraph shall be limited to the amount computed pursuant to § 903.45 (a) (5).

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream, by transfer or diversion from a plant of a handler to a producer-handler shall be classified as Class I milk.

(d) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream, by transfer or diversion, from a plant of a handler to any plant other than a plant of a handler or to a non-handler shall be classified as Class I milk unless:

(1) The transferee-plant is located within 110 airline miles from the City Hall in St. Louis, Missouri, or in the counties of

Barry.	Morgan.
Cedar.	Newton.
Christian.	Pettis.
Dallas.	Phelps.
Dent.	Polk.
Greene.	Pulaski.
Howell.	Texas.
Laclede.	Webster.
Lawrence.	Wright.
Miller.	

in the State of Missouri, and the handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the handler and the operator of the transferee-plant on or before the 7th day after the end of the delivery period within which such transaction occurred;

(2) The operator of the transferee-plant maintains books and records, showing the utilization of all skim milk and butterfat received at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement; in which case such skim milk and butterfat shall

be classified according to such mutual agreement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk.

(e) Skim milk and butterfat disposed of in the form of milk, skim milk or cream, from a plant of a handler to retail establishments shall be classified as Class I milk: *Provided*, That skim milk and butterfat contained in milk, skim milk, or cream so disposed of in bulk to retail establishments which, under the applicable health regulations, are permitted to receive milk, skim milk, or cream other than of Grade A quality for Class II uses shall be classified as Class II milk if so used or disposed of: *Provided*, That the market administrator is allowed to verify such use or disposition.

§ 903.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 903.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each delivery period shall be the pounds of skim milk in such class allocated to producer milk received by such handler during such delivery period:

(1) Subtract from the total pounds of skim milk in Class II milk the plant shrinkage of skim milk in milk received from producers, computed pursuant to § 903.41 (b) (3);

(2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk in ungraded milk received as other source milk and disposed of as Class I milk outside the marketing area;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk (exclusive of the pounds of skim milk subtracted pursuant to subparagraph 2 of this paragraph): *Provided*, That if the pounds of skim milk to be subtracted from Class II milk is greater than the pounds of skim milk remaining in such class, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(4) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in milk, skim milk, cream, and other milk products received from a city plant of another handler and assigned to such class: *Provided*, That if the pounds of skim milk to be subtracted from Class II milk is greater than the pounds of skim milk remaining in such class, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in milk, skim milk, cream, and other milk products received from a country plant of another handler and

assigned to such class: *Provided*, That if the pounds of skim milk to be subtracted from Class II milk is greater than the pounds of skim milk remaining in such class, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk: *And provided further*, That the pounds of skim milk to be subtracted from Class I milk shall not exceed its pro rata share of the volumes of skim milk allocated to Class I milk and Class II milk after the subtraction of receipts of other source milk and receipts from city plants of another handler;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes, in series beginning with the lowest-priced class.

(b) Determine the pounds of butterfat in each class to be allocated to milk received from producers in the same manner prescribed for skim milk in paragraph (a) of this section.

§ 903.46 *Determination of producer milk in each class.* Add the pounds of skim milk and the pounds of butterfat allocated to milk received from producers in each class, respectively, as computed pursuant to § 903.45, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 903.50 *Basic formula price.* The basic formula price to be used in determining the class prices, set forth in § 903.51, shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) Determine the arithmetic average of the basic, or field, prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Concern and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Carnation Co., Sparta, Mich.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Indiana Condensed Milk Co., Bunker Hill, Ill.
Litchfield Creamery Co., Litchfield, Ill.
Pet Milk Co., Greenville, Ill.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows: Multiply by 3.5 the simple average as computed by the mar-

ket administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, add 20 percent thereof, and add or subtract, as the case may be, to such sum $3\frac{1}{2}$ cents for each full $\frac{1}{2}$ cent that the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, is above $5\frac{1}{2}$ cents: *Provided*, That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the average of the carlot prices of nonfat dry milk solids, spray and roller process for human consumption, delivered at Chicago, as reported by the Department of Agriculture during the delivery period; and in the latter event $7\frac{1}{2}$ cents shall be used in lieu of the " $5\frac{1}{2}$ cents."

§ 903.51 *Class prices.* Subject to the provisions of §§ 903.52 and 903.53, each handler shall pay producers, at the time and in the manner set forth in § 903.80, not less than the following prices per hundredweight of milk:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding delivery period plus the following amounts per hundredweight: \$1.45 for the delivery periods of July through December, \$1.15 for the delivery periods of January through March; and .75 cents for the delivery periods of April through June: *Provided*, That if during the 12 months prior to the month immediately preceding each of the following delivery period groups, the total volume of milk received from producers by all handlers was more or less than 120 percent of the total Class I milk disposed of by all handlers during such 12-month period the following adjustment shall be made to the price for Class I milk for the respective group of delivery periods:

Delivery period group	For each percentage point that receipts from producers as a percent of Class I milk is—	
	Below 120 percent (add)	Above 120 percent (subtract)
January through March.....	(Cents) 2	(Cents) 3
April through June.....	0	3
July through December.....	3	3

And provided further, That if a plant regulated by this order did not have Class I sales and producer receipts in each of the preceding delivery periods of September through February (subsequent to the effective date of this provision) it shall be excluded in the calculation of the percentage used in this paragraph: *And provided further*, That the plus amount to be added for each de-

livery period from the effective date hereof through December 1951 shall be \$1.80.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price.

§ 903.52 *Location differentials to handlers.* With respect to skim milk and butterfat contained in milk received from producers at a city plant in Mera-mec or Bonhomme townships (except in the cities of Valley Park and Kirkwood), St. Louis County, Missouri or outside the marketing area which is classified as Class I milk, and with respect to skim milk and butterfat contained in milk received from producers at a country plant which is moved from such plant to a city plant or a non-handler's plant and classified as Class I milk, the Class I price per hundredweight shall be reduced by the amounts set forth in the following schedule according to the air-line distance from the plant where the milk is first received from producers to the City Hall in St. Louis:

Mileage	Allowance (cents)
Not more than 10 miles.....	6
More than 10 but not more than 20 miles.....	12
More than 20 but not more than 30 miles.....	14
More than 30 but not more than 40 miles.....	16
For each additional ten miles or fraction thereof of an additional.....	1

§ 903.53 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified, respectively, in Class I milk or Class II milk for a handler, pursuant to § 903.46, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 1.25 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the previous delivery period, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

APPLICATION OF PROVISIONS

§ 903.60 *Producer-handlers.* Sections 903.40 through 903.46, 903.50 through 903.53, 903.70, 903.71, and 903.80 through 903.86 shall not apply to a producer-handler.

§ 903.61 *Handlers subject to other Federal orders.* In the case of any handler whom the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another order or marketing agreement issued pursuant to the act than is disposed of in the St. Louis marketing area as Class I milk, the provisions of this order shall not apply except as follows: The handler shall, with respect

to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 903.70 *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute the value of milk received from producers by each handler, by multiplying the quantity in each class, computed pursuant to § 903.46, by the price applicable to such class, computed pursuant to § 903.51, and adding together the resulting values: *Provided*, That if the quantity of skim milk or butterfat in other source milk deducted from Class I pursuant to § 903.45 (a) (3) and (b) exceeds the quantity of skim milk or butterfat respectively in other source milk received from approved sources there shall be added an amount computed by multiplying such excess by the difference between the Class II price and the Class I price adjusted by butterfat differentials to handlers: *And provided further*, That if a handler, after subtracting receipts of other source milk and receipts from other handlers, has disposed of more skim milk or butterfat than, on the basis of his report for the delivery period pursuant to § 903.30, has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 903.45 (a) (6) and (b) by the applicable class price adjusted by the butterfat differential to handlers.

§ 903.71 *Computation of the uniform price for each handler.* For each delivery period, the market administrator shall compute for each handler the uniform price per hundredweight of milk, of 3.5 percent butterfat content, f. o. b. the marketing area received by such handler from producers as follows:

(a) Add to the value computed pursuant to this section the amount of any location adjustment to be made pursuant to § 903.82;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) If, in the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat, respectively, for any previous delivery period, the market administrator discovers errors in such reports which would have resulted in a different uniform price per hundredweight, including reclassification of skim milk and butterfat pursuant to § 903.42 (b), there shall be added or subtracted, as the case may be, an amount of money necessary to correct such errors; and

(d) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, computed to the nearest full cent, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat, f. o. b. St. Louis, Missouri, marketing area.

PAYMENTS

§ 903.80 Payments to producers. On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, for the total value of milk received from such producer during such delivery period, at not less than the uniform price per hundredweight computed for such handler pursuant to § 903.71, subject to the butterfat and location differentials computed pursuant to §§ 903.81 and 903.82.

§ 903.81 Butterfat differential to producers. If any handler has received from any producer, during the delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to § 903.80, shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent not more than the following amount: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, during the delivery period, and divide the resulting sum by 10.

§ 903.82 Location differentials to producers. In making payments to producers pursuant to § 903.80, the price per hundredweight for milk received from producers at a plant located in Meramec or Bonhomme townships (except in the cities of Valley Park or Kirkwood), St. Louis County, Missouri, or outside the marketing area shall be reduced by the amounts set forth in the following schedule according to the airline distance from the plant where the milk is first received from producers to the City Hall in St. Louis:

Mileage zone	Allowance (cents)
Not more than 10 miles.....	6
More than 10 but not more than 20 miles.....	12
More than 20 but not more than 30 miles.....	14
More than 30 but not more than 40 miles.....	16
For each additional ten miles or fraction thereof an additional.....	1

§ 903.83 Errors in payment. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 903.80, the handler shall pay such balance to such producer not later than the time of making payment to producers next following such disclosure.

§ 903.84 Additional payments. Any handler may make payments to producers in addition to the payments made pursuant to § 903.80: *Provided*, That such additional payments shall be made

on a uniform basis to all producers from whom milk meeting similar quality, volume production or evenness of production standards has been received.

§ 903.85 Expense of administration. As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 2½ cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during such delivery period, of milk from producers. Each handler, which is a cooperative association of producers, shall pay such pro rata share of expense on only that milk received from producers at a plant of such association.

§ 903.86 Marketing services—(a) Deduction for marketing services. Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 903.80, shall deduct 5 cents per hundredweight, or such lesser amount at the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler, in lieu of the deductions specified in paragraph (a) of this section, shall make the deductions from the payments made pursuant to § 903.80, which are authorized by such producers, and, on or before the 15th day after the end of each delivery period pay over such deductions to the cooperative associations rendering such services of which such producers are members.

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

§ 903.90 Effective time. The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 903.91.

§ 903.91 Suspension and termination. Any or all provisions of this subpart, or any amendment to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 903.92 Continuing power and duty. (a) If, upon the suspension or termina-

tion pursuant to § 903.91, there are any obligations arising under this subpart the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator, shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this subpart.

§ 903.93 Liquidation after suspension or termination. Upon the suspension or termination pursuant to § 903.91, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 903.100 Unfair methods of competition. Each handler shall refrain from acts which constitute unfair methods of competition by way of indulging in any practices with respect to the transportation of milk for, and the supplying of goods and services to producers from whom milk is received, which tend to defeat the purpose and intent of the terms and provisions of this subpart.

§ 903.101 Separability of provisions. If any provision of this subpart, or its application to any person or circumstance is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

§ 903.102 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 903.103 Termination of obligations. The provisions of this section shall apply

to any obligation under this subpart for the payment of money irrespective of when such obligations arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;
(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the amount for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a)

of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

[F. R. Doc. 51-14142; Filed, Nov. 27, 1951; 8:48 a. m.]

[7 CFR Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

REVISION OF ORDER DIRECTING THAT REFERENDUM BE CONDUCTED

Pursuant to terms of the "Order of the Secretary Directing That a Referendum be Conducted . . ." issued, as a part of the decision of the Secretary of Agriculture with respect to a proposed marketing agreement and proposed order amending the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, on November 5, 1951 and published in the FEDERAL REGISTER on November 8, 1951 (16 F. R. 11344), a period of 35 days after the date on which the aforesaid decision and referendum order was filed was specified as the period within which to complete the referendum.

The time allowed for completion of such referendum is hereby extended to 40 days after the date (November 5, 1951) on which the aforesaid decision and referendum order was filed.

Issued at Washington, D. C., this 21st day of November 1951.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 51-14143; Filed, Nov. 27, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BOISE, IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

OCTOBER 26, 1951.

Notice is hereby given that the plat of the original survey of the following described lands, accepted September 18, 1951, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 o'clock a. m., on the 35th day after the date of this notice:

T. 17 N., R. 22 E., B. M., Idaho:

Sec. 1, Lots 1, 2, 3, 4, S½N½, S½.

The area described aggregates 599.89 acres.

The timber in the western portion of the section consists of pine, fir, and hemlock, while in the eastern portion and along the creek bottoms the timber is scattering and consists of willow, aspen, alder, service, and maple.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on

the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or desert land laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284), as amended subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such ap-

plication, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey

Office at Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title to the extent such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

PAUL A. SHEPARD,
Manager.

[F. R. Doc. 51-14153; Filed, Nov. 27, 1951;
8:50 a. m.]

Office of the Secretary

[Order 2508, Amdt. 3]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO LAND AND MINERALS

NOVEMBER 21, 1951.

The following is added to section 13:

SECTION 13. Land and minerals * * *

(t) The approval of tribal membership rolls submitted for the approval of the Secretary of the Interior.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-14128; Filed, Nov. 27, 1951;
8:45 a. m.]

[Order 2669]

CERTAIN OFFICERS

REDELEGATION OF AUTHORITY WITH RESPECT TO PROSECUTION OF PROGRAMS ESSENTIAL TO NATIONAL DEFENSE

NOVEMBER 21, 1951.

SECTION 1. Purpose. The purpose of this redelegation of authority is to vest in certain officers of the Department additional authority with respect to contracts that will assist in the prosecution of programs essential to the national defense. Under this redelegation, these officers, though generally bound by the requirements established by statutes and regulations respecting the making or modification of contracts, will have the authority to act without the customary limitations when such action is deemed essential to the national defense.

Sec. 2. Redelegation of authority. (a) The powers under Title II of the First War Powers Act, 1941 (55 Stat. 838, 50 App. U. S. C., 1946 ed., sec. 611), as amended by the act of January 12, 1951 (Public Law 921, 81st Cong.), which were delegated to the Secretary of the Interior by Executive Order 10298 (16 F. R. 11135) are redelegated to the Director of the Bureau of Mines, the Director of the Geological Survey, the Bonneville Power

Administrator, and the Commissioner of Reclamation, severally.

(b) Each officer to whom authority is redelegated by paragraph (a) of this section may, in writing, redelegate such authority to one assistant head of his agency.

SEC. 3. Exercise of authority. (a) The powers redelegated by or under this order shall be employed only in the furtherance of the national defense. The authority granted under the First War Powers Act is extraordinary, and it must be exercised with restraint.

(b) No officer to whom authority is redelegated by or under this order shall exercise such authority unless he shall first make a written finding that such action will facilitate the national defense, supported by a written statement of the facts and circumstances which justify deviation from the requirements imposed by the statutes and regulations normally controlling the making, amendment, or modification of contracts. A copy of each such finding and statement shall be sent to the Administrative Assistant Secretary.

(c) The provisions of section 7 through 14, inclusive, of Part I of Executive Order 10210 (16 F. R. 1049) shall be complied with in the exercise of the authority redelegated by or under this order, except that any determination under section 13 of that order shall be made by an officer to whom authority has been redelegated by or under this order.

(d) The first proviso in section 201 of the First War Powers Act, 1941, and section 12 of Part I of Executive Order 10210 shall be construed as prohibitions against the execution, amendment, or modification of contracts obligating the Government to make payments on the basis of cost plus a percentage of cost.

SEC. 4. Contractual provisions and record requirements. (a) All contracts, or amendments to or modifications of contracts, made under the authority redelegated by or under this order shall contain a statement that such action is taken pursuant to the First War Powers Act, 1941, as amended, and Executive Order 10298, and that such action will facilitate the national defense.

(b) Each agency mentioned in this order shall maintain detailed records of all actions taken pursuant to this order.

(c) Each contract entered into, amended, or modified pursuant to the authority redelegated by or under this order shall include the following article:

Examination of records. (a) The Contractor (which term, as used in this article, means the party contracting to furnish the supplies or perform the work required by this contract) agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the Contractor involving transactions related to such contract.

(b) The Contractor agrees to insert the provisions of this article, including this paragraph (b), in each subcontract hereafter made in connection with this contract. The Contractor further agrees that, if he fails to include this article in such a subcontract, the Government may withhold from the Contractor under this contract an

amount equal to that which the Contracting Officer shall determine to be owed by the Contractor to the Subcontractor under such subcontract, until the Government is permitted by the Subcontractor to make the examination referred to in paragraph (a) of this article.

(E. O. 10298, 16 F. R. 11135)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-14129; Filed, Nov. 27, 1951;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

CHIEF, ENGINEERING DIVISION, ET AL.

DELEGATIONS OF AUTHORITY WITH RESPECT TO CONTRACTS AND AGREEMENTS

Effective November 15, 1951, the following delegations of authority have been authorized:

A. Authority has been delegated to the Chief, Engineering Division (in addition to Deputy Administrator and Assistant Administrator) to approve, "for Claude R. Wickard, Administrator," the following contracts and amendments thereto between REA borrowers and parties other than the United States for telephone facilities:

- (1) Engineering service contracts;
- (2) Architectural service contracts;
- (3) Central office equipment contracts;
- (4) Construction contracts (contracts involving labor at project site).

B. Authority has been delegated to the Chief and Assistant Chiefs, Engineering Division (in addition to Deputy Administrator and Assistant Administrator) to approve, "for Claude R. Wickard, Administrator," the following contracts and agreements between REA borrowers and parties other than the United States for telephone facilities:

- (1) Amendments to construction contracts when the amendment is for less than \$50,000;
- (2) Materials or equipment (other than central office) contracts and amendments thereto;
- (3) Agreements with reference to physical and/or electrical interference with power and telephone or other communication facilities;
- (4) Agreements with reference to highway and railroad crossings and sidings.

Issued this 15th day of November 1951.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-14145; Filed, Nov. 27, 1951;
8:49 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

1. The duties of the Deputy Under Secretary for Transportation shall be to assist the Secretary in the performance of his functions under the Defense Production Act in the field of transportation.

2. The Office of Transportation shall be under the immediate direction of a director appointed for that purpose.

3. Paragraph 3 of the material appearing at 16 F. R. 8189 is hereby superseded.

4. This notice is effective November 20, 1951.

[SEAL]

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-14154; Filed, Nov. 27, 1951;
8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

The Appleby Manufacturing Co., Inc., 23 East Franklin Street, Danbury Conn., effective 11-18-51 to 11-17-52; 10 percent of the productive factory force (men's shirts).

Belton Shirt Co., Inc., Belton, S. C., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force (sport shirts).

Michael Berkowitz Co., Inc., Waynesburg, Pa., effective 11-12-51 to 11-11-52; 10 percent of the productive factory force (pajamas).

Blue Ridge Manufacturers, Inc., Cambridge, Md., effective 11-20-51 to 11-19-52; 10 learners (dungarees).

Brookfield Manufacturing Co., 278 Court Street, Plymouth, Mass., effective 11-9-51 to 5-8-52; 25 learners (cotton and rayon dresses).

Carolina Maid Products, Inc., Granite Quarry, N. C., effective 11-15-51 to 11-14-52; 10 percent of the productive factory force (dresses).

Champion Garment Co., 100½ West Second Avenue, Rome, Ga., effective 11-14-51 to 11-13-52; 10 percent of the productive factory force (men's and boys' dress and semidress slacks).

Cluett, Peabody & Co., Inc., Bremen, Ga., effective 11-19-51 to 11-18-52; 10 percent of the productive factory force (white shirts).

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Cluett, Peabody & Co., Inc., Atlanta, Ga., effective 11-15-51 to 11-14-52; 10 percent of the productive factory force (white shirts).

Cluett, Peabody & Co., Inc., Virginia, Minn., effective 11-17-51 to 11-16-52; 10 percent of the productive factory force (white shirts).

Dianadell Sportswear, Inc., 5 East Main Street, Tremont, Pa., effective 11-12-51 to 11-11-52; 10 learners (women's dresses).

Dixie Frocks Co., 79 Wyoming Avenue, Wyoming, Pa., effective 11-15-51 to 11-14-52; five learners (dresses).

Duryea Sportswear Inc., 726 Main Street, Duryea, Pa., effective 11-17-51 to 11-16-52; five learners (ladies' dresses).

Epstein-Harris Manufacturing Co., 309 Peabody Street, Nashville, Tenn., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force (dresses).

Finesilver Manufacturing Co., 816-820 Camaron Street, San Antonio, Tex., effective 11-21-51 to 11-20-52; 10 percent of the productive factory force (pants and shirts).

Fletcher Bros. Co., Inc., 436 South Liberty Street, Winston-Salem, N. C., effective 11-17-51 to 11-16-52; five learners (men's and boys' bib overalls and dungarees).

Gem Garment Branch, Greencastle, Pa., effective 11-15-51 to 11-14-52; 10 percent of the productive factory force (ladies' cotton house dresses).

Jinright Manufacturing Co., Coleman, Tex., effective 11-19-51 to 11-18-52; five learners (cotton sportswear and work clothing).

Kentucky Pants Co., 117 North Race Street, Glasgow, Ky., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force (pants, overalls, etc.).

Keystone Garment Branch, Gettysburg, Pa., effective 11-15-51 to 11-14-52; 10 percent of the productive factory force (ladies' cotton house dresses).

Lustberg Nast & Co., Inc., Sixth Avenue and Mifflin Streets, Lebanon, Pa., effective 11-17-51 to 11-16-52; 10 percent of the productive factory force (sportswear).

McMinnville Garment Co., McMinnville, Tenn., effective 11-9-51 to 11-8-52; 10 percent of the productive factory force (Army field trousers, cotton O. D.).

M. & G. Sportswear Co., 613 Main Street, Rockland, Maine, effective 11-16-51 to 3-31-52; 10 learners (men's and boys' pants) (replacement certificate).

M. & S. Co., Inc., 2217 DeSard Street, Monroe, La., effective 11-16-51 to 11-15-52; five learners (dress pants and slacks).

The Mack Shirt Corp., 412 East Sixth Street and 1101 Marshall Avenue, Cincinnati, Ohio, effective 11-16-51 to 11-15-52; 10 percent of the productive factory force (dress and sport shirts).

Maiden Form Brassiere Co., Inc., Main Street and Monticello Avenue, Clarksburg, W. Va., effective 11-15-51 to 11-14-52; 10 percent of the productive factory force (brassieres).

Maxwell Manufacturing Co., Millville, Pa., effective 11-24-51 to 11-23-52; five learners; learners not to be used in the manufacture of skirts at subminimum wage rates (ladies' sportswear).

Pittston Apparel Co., Inc., East and Tompkins Streets, Pittston, Pa., effective 11-9-51 to 11-8-52; 10 percent of the productive factory force (brassieres and girdles).

Princess Peggy, Inc., Items Divisions, Belleville, Ill., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force (dresses).

Publix Shirt Corp., Fredericksburg, Pa., effective 11-20-51 to 11-19-52; 10 learners (coats and jackets).

Puritan Sportswear Corp., 813 Twenty-fifth Street, Altoona, Pa., effective 10-1-51 to 9-30-52; 10 percent of the productive factory force engaged solely in the manufacture of apparel (replacement certificate).

Reliance Manufacturing Co., "Premium" Factory, Seymour, Ind., effective 11-29-51 to

11-28-52; 10 percent of the productive factory force (dress shirts).

Reliance Manufacturing Co., "Iowam" Factory, Anamosa, Iowa, effective 11-17-51 to 11-16-52; 10 percent of the productive factory force (cotton work shirts).

Reliance Manufacturing Co., Columbus, Ind., effective 11-17-51 to 11-16-52; 10 percent of the productive factory force (sportswear, jackets).

Reliance Manufacturing Co., "Defiance" Factory, Bedford, Ind., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force (boys' and men's jac shirts, work pants).

Reliance Manufacturing Co., "Blue Ridge" Factory, 629 Tenth Street, Huntington, W. Va., effective 11-15-51 to 11-14-52; 10 percent of the productive factory force (women's dresses).

J. H. Rutter-Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La., effective 11-9-51 to 11-8-52; 10 percent of the productive factory force (work shirts, pants, uniforms).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa., effective 11-24-51 to 11-23-52; 10 percent of the productive factory force (pants).

Shane Manufacturing Co., Inc., 2015 West Maryland Street, Evansville 7, Ind., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force (cotton work clothing).

Slack Corp. of America, Wrightsville, Ga., effective 11-15-51 to 11-14-52; 10 percent of the productive factory force (slacks).

Southland Manufacturing Co., Benson, N. C., effective 11-19-51 to 11-18-52; 10 percent of the productive factory force (sport shirts).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark., effective 11-14-51 to 11-13-52; 10 percent of the productive factory force (men's and boys' trousers).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Jose Escalante & Co., 1017 Poeyfarre Street, New Orleans, La., effective 11-17-51 to 11-16-52; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours; cigar packing (cigars retailing for over 6 cents), 320 hours; machine stripping, 160 hours; each 60 cents per hour.

General Cigar Co., Inc., 715-25 North Fourth Street, Allentown, Pa., effective 11-16-51 to 11-15-52; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours; cigar packing (cigars retailing for more than 6 cents), 320 hours (cigars retailing for 6 cents or less), 160 hours; machine stripping, 160 hours; each 60 cents per hour.

H. N. Heuser & Son, Inc., 228-30 High Street, Hanover, Pa., effective 11-16-51 to 11-15-52; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours; cigar packing (cigars retailing for 6 cents or less), 160 hours; machine stripping, 160 hours; each 60 cents per hour.

John H. Swisher & Son, Inc., 600 Haines Avenue, Waycross, Ga., effective 11-17-51 to 11-16-52; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours; cigar packing (cigars retailing for 6 cents or less), 160 hours; machine stripping, 160 hours; each 60 cents per hour.

John H. Swisher & Son, Inc., 501 East Sixteenth Street, Jacksonville, Fla., effective 11-10-51 to 11-9-52; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours; cigar packing (cigars retailing for over 6 cents, 320 hours; cigars retailing for 6 cents or less, 160 hours; machine stripping, 160 hours; each 60 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Hansen Glove Corp., Clintonville, Wis., effective 11-17-51 to 11-18-52; 10 percent of the productive factory workers engaged in the learner occupations (fabric dress gloves).

Lambert Manufacturing Co., Plant Number 1, 501 Jackson St., Chillicothe, Mo., effective 11-17-51 to 11-18-52; 10 learners (cotton and jersey wool gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F. R. 10733).

Early Bird Hosiery Mills, Hickory, N. C., effective 11-15-51 to 11-14-52; five learners. Nu-Vogue Hosiery Mills, Inc., Graham, N. C., effective 11-19-51 to 7-18-52; five additional learners for expansion purposes (supplemental expansion certificate).

Villa Rica Hosiery Mills, Villa Rica, Ga., effective 11-19-51 to 11-18-52; 5 percent of the productive factory force.

C. A. Wanner, Inc., 100 South Richmond Street, Fleetwood, Pa., effective 11-20-51 to 11-19-52; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Freeport Telegraph & Telephone Co., 216 Fifth Street, Freeport, Pa., effective 11-17-51 to 11-16-52.

Iowa-Illinois Telephone Co., New London, Iowa, effective 11-17-51 to 11-16-52.

Southland Telephone Co., Atmore, Ala., effective 11-24-51 to 11-23-52.

Western Illinois Telephone Co., Aledo, Ill., effective 11-24-51 to 11-23-52.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Cluett, Peabody & Co., Inc., Eveleth, Minn., effective 11-19-51 to 11-18-52; 5 percent of the productive factory force (men's and boys' woven underwear).

Puritan Sportswear Corp., 813 Twenty-fifth Street, Altoona, Pa., effective 11-16-51 to 11-15-52; 5 percent of the productive factory force (knitted outerwear).

The Reider Corp., Hazleton, Pa., effective 11-19-51 to 11-18-52; 5 percent of the productive factory force (Cotton knit underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

International Shoe Co., East Fourth Street, Hermann, Mo., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force.

International Shoe Co., Houston, Mo., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force.

International Shoe Co., Salem, Mo., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force.

International Shoe Co., State Street, Vandalia, Mo., effective 11-16-51 to 11-15-52; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

The Desher Broom Factory, Inc., Desher, Nebr., effective 11-23-51 to 5-22-52; 10 percent of the productive factory force; broom and whisk winder, corn sorter, stitching machine operator; 320 hours each; 60 cents an hour for the first 160 hours and not less than 65 cents an hour for the remaining 160 hours (brooms and whisks).

Kewanee Headwear Co., 410 West Second Street, Kewanee, Ill., effective 11-24-51 to 5-23-52; six learners; sewing machine opera-

tors; 240 hours at 65 cents per hour (sewing cloth hats and caps).

Levine Bros. Bag Co., 42-46 Mill Street, Kingston, N. Y., effective 11-14-51 to 5-13-52; two learners; mending machine operators; 160 hours at 65 cents per hour (reconditioning of cotton and burlap bags).

Woodcroftery Shops, Inc., 308 Second Avenue, Wayland, N. Y., effective 11-10-51 to 5-9-52; one learner; hand decorators; 320 hours; 60 cents an hour for the first 160 hours and 65 cents an hour for the remaining 160 hours (wood products).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 20th day of November 1951.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 51-14131; Filed, Nov. 27, 1951;
8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5055 et al.]

E. W. WIGGINS AIRWAYS, INC., ET AL.;
WIGGINS CERTIFICATE RENEWAL INVESTIGATION

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that public hearing in the above-entitled proceeding will be held December 12, 1951, at 10:00 a. m., e. s. t., in Court Room 817, New Court House, Pemberton Square, Boston, Mass., before Examiner R. Vernon Radcliffe.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require:

(a) The renewal, in whole or in part, of the temporary certificate of public convenience and necessity held by E. W. Wiggins Airways, Inc., for route No. 79;

(b) The amendment of certificate of public convenience and necessity of E. W. Wiggins Airways, Inc., and Northeast Airlines, Inc., so as to authorize additional or different air transportation to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, and New Jersey;

(c) In the event the certificate of public convenience and necessity of E. W. Wiggins Airways, Inc., is not renewed, the alteration, modification, or amendment of the certificate of public convenience and necessity of Northeast Airlines, Inc., or the certificate of any other certificated carrier, so as to authorize service to any point or points presently authorized for service by Wiggins;

(d) The alteration, amendment, or modification of the certificate of public convenience and necessity of Trans World Airlines, Inc., for route No. 2 so as to eliminate therefrom the intermediate point Worcester, Mass.

(e) The suspension of the authority of American Airlines, Inc., to serve Bridgeport, Conn., and New Haven, Conn., for such period as they may be served on the routes of a local service carrier; and

2. Whether the applicants are fit, willing, and able to provide such services as may be found to be required by the public convenience and necessity.

For further details of the issues involved in this proceeding, interested persons are referred to the applications, petitions, and orders of the Civil Aeronautics Board, which are on file in the docket.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding should file with the Board, on or before December 12, 1951, a statement setting forth the matters of fact or law upon which he desires to be heard.

Dated at Washington, D. C., November 23, 1951.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 51-14171; Filed, Nov. 27, 1951;
8:52 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA No. 16]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

NOVEMBER 26, 1951.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.), exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Dover-Denville, New Jersey, area. (This area consists of Morris County.)

C. E. WILSON,
Director,

Office of Defense Mobilization.

[F. R. Doc. 51-14187; Filed, Nov. 28, 1951;
2:20 p. m.]

[RC-9; No. 275]

FORT DIX, NEW JERSEY, AREA

**DETERMINATION AND CERTIFICATION OF
CRITICAL DEFENSE HOUSING AREA**

NOVEMBER 26, 1951.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as:

Fort Dix, New Jersey, Area: This area consists of Burlington County, the townships of Bordentown, Burlington, Chesterfield, Cinnaminson, Delanco, Delran, Eastampton, Edgewater Park, Evesham, Florence, Hainesport, Lumberton, Mansfield, Maple Shade, Medford, Moorestown, Mount Holly, Mount Laurel, New Hanover, North Hanover, Pemberton, Riverside, Southampton, Springfield, Westampton, and Willingboro; the cities of Beverly, Bordentown, and Burlington; the boroughs of Fieldsboro, Medford Lakes, Palmyra, Pemberton, Riverton, and Wrightstown; and in Ocean County, the townships of Plumsted, Jackson, Lakewood, Brick, Manchester, Berkeley, and Dover; and the boroughs of Lakehurst, South Toms River, Beachwood, Pine Beach, Ocean Gate, and Island Heights.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

This supersedes certification dated October 8, 1951—Docket No. B.

WILLIAM C. FOSTER,
Acting Secretary of Defense.

C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 51-14188; Filed, Nov. 26, 1951;
2:20 p. m.]

[ICC-10; No. 109]

PRESQUE ISLE-LIMESTONE, MAINE, AREA

**DETERMINATION AND CERTIFICATION OF
CRITICAL DEFENSE HOUSING AREA**

NOVEMBER 26, 1951.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Presque Isle-Limestone, Maine, Area. This area includes in Aroostook County, the towns of Ashland, Caribou, Castle Hill, Easton, Fort Fairfield, Limestone, Mapleton, Mars Hill, Van Buren, Washburn, and Westfield; the plantations of Caswell and Hamlin; and the city of Presque Isle.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly

determine and certify that the aforementioned area is a critical defense housing area.

This supersedes certification dated October 11, 1951—Docket No. 109.

WILLIAM C. FOSTER,
Acting Secretary of Defense.

C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 51-14189; Filed, Nov. 26, 1951;
2:21 p. m.]

**ECONOMIC STABILIZATION
AGENCY**

Office of the Administrator

[Determination 1, Amdt. 14]

**APPROVAL OF EXTENT OF RELAXATION OF
CREDIT CONTROLS IN CRITICAL DEFENSE
HOUSING AREAS**

Section 3, *Areas affected*, of Determination No. 1 approving the extent of the relaxation of real estate construction credit controls in critical defense housing areas published in 16 F. R. 9582, September 20, 1951, is hereby amended by adding the following areas thereto, in view of the joint certification action taken by the Acting Secretary of Defense and the Director of Defense Mobilization dated November 23, 1951 (see Docket Nos. 51 and 124), and in view of the defense housing programs of credit restrictions approved for said areas by the Housing and Home Finance Agency (CR 2, 16 F. R. 3303, CR 3, 16 F. R. 3835):

Area and Date

52. Gulfport-Biloxi-Pascagoula, Miss., November 5, 1951.

53. Wichita, Kans., November 2, 1951.

ERIC JOHNSTON,
Administrator.

NOVEMBER 26, 1951.

[F. R. Doc. 51-14222; Filed, Nov. 27, 1951;
11:41 a. m.]

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43,
Special Order 741]

ARTISAN NOVELTY CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Artisan Novelty Company, 600 West 182d Street, Gardena, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level

of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of dolls, puppets, and doll costumes sold through wholesalers and retailers and having the brand name(s) "Raving Beauty", "California Originals by Michele", and "Holiday House" shall be the proposed retail ceiling prices listed by Artisan Novelty Company, 600 West 182nd Street, Gardena, California hereinafter referred to as the "applicant" in its application dated October 17, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than January 21, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after January 21, 1952, Artisan Novelty Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

On and after February 19, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to February 19, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant

named in this special order must comply as to each such article with the pre-ticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. Notification to resellers—(a) Notices to be given by applicant. (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
-----	\$-----

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) **Notices to be given by purchasers for resale (other than retailers).** (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice,

each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. Reports. Within 45 days of the expiration of the first six-month period following the effective date of this special order and within 45 days of the expiration of each successive six-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that six-month period.

5. Other regulations affected. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. Revocation. This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. Applicability. The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective November 21, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 20, 1951.

[F. R. Doc. 51-14044; Filed, Nov. 20, 1951;
4:22 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 742]

BRUNSWICK-BALKE-COLLENDER CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the

supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: The Brunswick-Balke-Collender Company, 623-633 So. Wabash Avenue, Chicago 5, Illinois.

Brand names: "Brunswick".

Articles: Bowling balls, jointed cues, and home billiard tables and equipment.

2. Retail ceiling prices for listed articles. Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. Retail ceiling prices for unlisted items. Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. Retail ceiling prices affected by amendment to this order. This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. Marking and tagging. This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules

apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
.....	\$.....

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 21st of November 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

NOVEMBER 20, 1951.

[F. R. Doc. 51-14045; Filed, Nov. 20, 1951;
4:22 p. m.]

[Delegation of Authority 34]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR EXEMPTION FILED BY NON-PROFIT CLUBS UNDER THE PROVISIONS OF CPR 11

By virtue of the authority vested in me as Acting Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this delegation of authority is hereby issued.

1. Authority to act under section 9 (e) of CPR 11. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act on all applications for exemption under the provisions of section 9 (e) of CPR 11. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 28, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

NOVEMBER 27, 1951.

[F. R. Doc. 51-14239; Filed, Nov. 27, 1951;
12:06 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6388]

PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE

ORDER DENYING REQUEST FOR WAIVER OF
NOTICE AND SUSPENDING RATE SCHEDULE

NOVEMBER 20, 1951.

Public Service Company of New Hampshire (Public Service) on October 23, 1951, submitted for filing a proposed supplemental rate schedule, tentatively designated as Supplement No. 3 to Public Service's Rate Schedule FPC No. 16, increasing the rates or charges to Central Vermont Public Service Corporation by an amount of \$40,800 per year, or 34.7

percent annually.¹ Thereafter, on October 29, 1951, Public Service submitted a second proposed supplemental rate schedule, tentatively designated Supplement No. 4 to Public Service's Rate Schedule FPC No. 16, increasing the rates proposed in Supplement No. 3 by an amount of \$10,400 per year, by a proposed 7 percent surcharge to the rates or charges proposed in Supplement No. 3. The proposed increases in rates or charges relate to the sales of electric energy by Public Service to Central Vermont Public Service Corporation for use in its St. Johnsbury Division.

Public Service requested that Supplement No. 3 be permitted to become effective with meter readings taken on or after August 1, 1951, to correspond with the date the billing provisions of Supplement No. 3 became effective for its other utility customers. However, Public Service did not submit any reasons for not complying with the 30-day notice requirement of section 205 (d) of the Federal Power Act which may be waived by the Commission only "for good cause shown." Central Vermont has objected to the waiver of the 30-day requirement.

From the data submitted by Public Service with respect to Supplements Nos. 3 and 4, it appears the increases in rates or charges provided by Supplement No. 3 will not result in unjust or unreasonable rates or charges, but it cannot be determined that the further increase provided by Supplement No. 4 is justified. Unless suspended by order of the Commission, Supplement No. 4 will become effective November 29, 1951.

The change in rates and charges proposed by Supplement No. 4 may result in excessive rates or charges; may place an undue burden upon ultimate consumers; may be unduly discriminatory or preferential; and may result in increased rates and charges which have not been shown to be justified.

The Commission finds:

(1) Good cause has not been shown for waiver of the 30-day notice requirement of section 205 (d) of the Federal Power Act with respect to Supplement No. 3 to Public Service's Rate Schedule FPC No. 16.

(2) The increased rates or charges proposed by Supplement No. 4 to FPC Rate Schedule No. 16 may be unjust, unreasonable, unduly discriminatory or preferential.

(3) It is necessary, desirable and in the public interest, that the Commission enter upon a hearing concerning the lawfulness of the rates or charges proposed by Supplement No. 4 to FPC Rate Schedule No. 16 and that said proposed rates or charges be suspended pending such hearing and decision thereon.

The Commission orders:

(A) Public Service's request for an effective date of August 1, 1951, with respect to Supplement No. 3 to its Rate Schedule FPC No. 16 is hereby denied and such supplement be and the same is hereby permitted to become effective as of November 23, 1951.

¹ The supplemental rate schedule was initially submitted on September 7, 1951 but supporting data required by the Commission's rules were not received until October 23, 1951.

(B) Nothing contained in this order shall be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract or practice affecting such service or rate provided for in Supplement No. 3 to Rate Schedule FPC No. 16, nor shall this order be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(C) A public hearing be held at a time and place to be fixed by further order of the Commission concerning the lawfulness of the rates or charges proposed in Supplement No. 4 to Public Service Company of New Hampshire Rate Schedule FPC No. 16.

(D) Pending such hearing and decision thereon, the proposed Supplement No. 4, referred to in paragraph (C) above, be and the same is hereby suspended and the use of the rates or charges provided therein deferred until April 29, 1952, and thereafter such proposed supplemental rate schedule shall go into effect in the manner prescribed by the Commission in accordance with the Federal Power Act.

(E) During the period of suspension, the rates or charges heretofore in effect under Public Service Company of New Hampshire Rate Schedule FPC No. 16, as supplemented by Supplements Nos. 1, 2 and 3 on file with the Commission, shall remain and continue in effect.

(F) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending, or hereafter instituted, by or against the Public Service Company of New Hampshire.

Date of issuance: November 20, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-14132; Filed, Nov. 27, 1951;
8:46 a. m.]

[Docket No. G-1835]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

NOVEMBER 21, 1951.

Take notice that on November 13, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a regulator and metering station on Applicant's line adjacent to the northeast corner of Fort Huachuca Military Reservation in Cochise County, Arizona. Applicant proposes by this facility to sell and deliver natural gas to Arizona Edison Company, Inc. for resale and distribution in Fry, Arizona.

Through the proposed facility, Applicant expects to deliver about 14,000 Mcf per year by the fifth year of operation, with a daily maximum of about 60 Mcf of natural gas. The cost of this facility is estimated to be \$1,700 which will be paid from general funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of December 1951. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-14151; Filed, Nov. 27, 1951;
8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY.

Office of the Administrator

NOTICE OF HOUSING PROGRAMS AND RELAXATION OF CREDIT CONTROLS IN CRITICAL DEFENSE HOUSING AREAS

MISCELLANEOUS AMENDMENTS

General statement. This notice amends in part the Notice of Housing Programs and Relaxation of Credit Controls in Critical Defense Housing Areas dated October 24, 1951 (16 F. R. 10962-10971) published pursuant to section 102 (a) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Congress). That section requires the Housing and Home Finance Administrator to announce and publish in the FEDERAL REGISTER certain information with respect to permanent dwelling units needed for defense workers and military personnel in critical defense housing areas. As indicated in Part I of the Notice dated October 24, 1951, the Director of Defense Mobilization is authorized to determine that certain areas are critical defense housing areas under section 101 of the Defense Housing and Community Facilities and Services Act of 1951. Acting under such authority the Director of Defense Mobilization designated and published on October 6, 1951, in the FEDERAL REGISTER of October 6, 1951 (16 F. R. 10206) 41 areas as critical defense housing areas. The Defense Housing Programs for these 41 areas were published in the FEDERAL REGISTER by this Agency on October 27, 1951, in Part II (Defense Housing Programs) of the Notice of Housing Programs and Relaxation of Credit Controls in Critical Defense Housing Areas dated October 24, 1951 (16 F. R. 10962-10971). Amendments to the programs for these 41 areas appear below.

The Director of Defense Mobilization has since October 6, 1951, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 designated other critical defense housing areas. These areas were published in the FEDERAL REGISTER of October 13, 1951 (16 F. R. 10495), October 23, 1951 (16 F. R. 10794), October 26, 1951 (16 F. R. 10908), November 9, 1951 (16 F. R. 11459), November 10, 1951 (16 F. R. 11513), November 14, 1951 (16 F. R. 11546), November 16, 1951 (16 F. R. 11659), and November 17, 1951 (16 F. R. 11706). On November 20, 1951, the Director of Defense Mobilization pub-

lished in the FEDERAL REGISTER (16 F. R. 11745) a redesignation of all the areas previously published, with a geographical description of all such areas. The Defense Housing Programs for these additional areas already developed and prepared appear below as amendments to Part II of said Notice dated October 24, 1951. As additional programs are prepared and are available for publication, the Defense Housing Programs for areas already designated by the Director of Defense Mobilization, and of areas to be designated in the future by the Director of Defense Mobilization, will be published by this Agency as additional amendments to Part II of said Notice dated October 24, 1951. In addition, whenever an additional defense housing program is prepared by this Agency for a designated critical defense housing area under the Defense Housing and Community Facilities and Services Act of 1951, for which a defense housing program has already been published, these additional defense housing programs will be published together with other new defense housing programs under the Amendments to Part II of the Notice dated October 24, 1951. Each such additional new defense housing program will bear the same number as the original defense housing program but will have annexed to such number, in capital letters in alphabetical sequence, a letter for each additional program announced after the initial defense housing program is published. Eight such programs appear below, as the last eight new defense housing programs.

With respect to any application under Housing and Home Finance Agency Regulation CR 3 for an exception from residential real estate credit restrictions approved under that regulation as being within the defense housing programs for the additional areas appearing below, residential real estate credit restrictions are suspended.

AMENDMENTS TO DEFENSE HOUSING PROGRAM PREVIOUSLY PUBLISHED (16 F. R. 10962-10971)

Amendment 1. Each of the 41 area programs published in the FEDERAL REGISTER on October 27, 1951 (16 F. R. 10962-10971) and numbered consecutively 1 through 41, beginning at page 10963 and continuing to page 10971, are hereby amended by adding at the end of each such numbered area program the following geographical description of each of such critical defense housing areas. (For convenience in reference the area designation appearing with each area program number precedes each such geographical description.)

1. AEC, Savannah River Installation, South Carolina and Georgia.

Alken, Barnwell and Allendale Counties in South Carolina and Richmond County in Georgia (affected by Savannah River Installation).

2. Paducah, Kentucky.

McCracken and Ballard Counties in Kentucky; Massac County in Illinois; and the township of Vienna, including Vienna city, in Johnson County, Illinois (affected by Paducah installation).

3. Arco-Blackfoot-Idaho Falls, Idaho. Butte County; Bingham County except the precincts of Sterling and Aberdeen 1 and 2; and Bonneville County except the precincts of Poplar, Antelope, Ozone, Palisade, Grays, Blowout, and Jackknife (affected by Idaho Reactor Testing Station installation).

4. San Diego and Oceanside, California.

That part of San Diego County west of San Bernardino meridian.

5. Wright-Patterson Air Force Base, Dayton, Ohio.

Greene and Montgomery Counties.

6. Solano County California.

Solano County.

7. Star Lake, New York.

The towns of Fine and Clifton in St. Lawrence County.

8. Davenport, Iowa; Rock Island, East Moline and Moline, Illinois (Quad Cities).

Rock Island County, Illinois, and Scott County, Iowa.

9. Lone Star, Texas.

Camp and Morris Counties, precincts 1, 2, and 8 in Cass County, including Hughes Springs, Linden and Avinger, precincts 1, 2, and 6 in Marion County and precincts 1, 4, 5, 6, and 7 in Titus County, including Mount Pleasant.

10. Brazoria County, Texas.

Brazoria County.

11. Norfolk-Portsmouth, Virginia.

Norfolk and Princess Anne Counties and the independent cities of Norfolk, South Norfolk, and Portsmouth.

12. Newport News, Virginia.

Elizabeth City, Warwick and York Counties, and the independent cities of Newport News and Hampton.

13. Borger, Texas.

Hutchinson County.

14. Wichita, Kansas.

Sedgewick County.

15. Colorado Springs, Colorado.

El Paso County.

16. Camp Roberts-Camp Cooke, California.

San Luis Obispo County; and judicial townships numbers 4, 5, 8, and 9 in Santa Barbara County.

17. Fort Leonard Wood, Rolla, Missouri.

Laclede, Phelps and Pulaski Counties.

18. Tooele, Utah.

That portion of Tooele County lying east of the Great Salt Lake Desert, and precinct 4 in Salt Lake County.

19. Las Cruces, New Mexico.

Precincts 2, 3, 4, 5, 6, 13, 15, 20, 21, 23, 25, 26, 28, and 29 in Dona Ana County, including Las Cruces town and such other villages as are included in such precincts.

20. Dover, Delaware.

Kent County; and that portion of the city of Milford located in Sussex County.

21. Imperial County, California.

Townships 2 and 3 in Imperial County, including El Centro city and Imperial city,

22. Hanford-Kennewick-Pasco, Washington.

Benton County; the precincts of Eltopia, Ringold, Fishhook, Riverview, and all Pasco precincts in Franklin County; the precincts of Burbank, Attalia, Wallula in Walla Walla County; the precincts of Belma, Byron, Mabton, Mabton Rural, North Grandview, South Grandview, Sunnyside 1, 2, 3, Sunnyside Rural 1, 2, 3, 4, Wanita and Werdell Phillips in Yakima County.

23. Bremerton, Washington.

Kitsap County.

24. Patuxent, Maryland.

St. Mary's County.

25. Valdosta, Georgia.

Lowndes County.

26. Columbus, Indiana.

Bartholomew, Brown, Johnson, Shelby and Jackson Counties; and the townships of Clay, Washington, Marion, Sand Creek, and Jackson in Decatur County.

27. Camp Lejeune, North Carolina.

Onslow, Carteret, Craven, and Jones Counties.

28. Sampson Air Force Base, New York.

Seneca County; the towns of Geneva, Seneca, Phelps, Manchester, Canandaigua, Hopewell, Gorham, and the city of Geneva, all in Ontario County, the towns of Middlesex, Potter, Benton, Mille, and Torrey in Yates County; and the towns of Arcadia, Galen, Lyons, and Palmyra in Wayne County.

29. Florence-Killeen, Texas.

Bell and Coryell Counties; and precincts 4 and 5 in Williamson County, including Florence town.

30. Mineral Wells-Weatherford, Texas.

Palo Pinto and Parker Counties.

31. Huntsville, Alabama.

Madison County.

32. Barstow, California.

The township of Barstow in San Bernardino County.

33. Lancaster, California.

Antelope township in Los Angeles County, judicial township 11 in Kern County.

34. Alamogordo, New Mexico.

Precincts 1, 2, and 3, including Alamogordo town and Tularosa village in Otero County.

35. Indianapolis, Indiana.

The counties of Marion, Hancock, and Hamilton.

36. Sanford, Florida.

Seminole County.

37. Sidney, Nebraska.

Cheyenne County.

38. Kingsville, Texas.

Precincts 1, 2, and 3, including Kingsville city in Kleberg County; precincts 1, 4, 6, and 7, including Alice city and Premont town in Jim Wells County; precincts 3, 4, 5, and 8, including Bishop town and Robstown city in Nueces County.

39. Wichita Falls, Texas.

Wichita County.

40. Presque Isle-Limestone, Maine.

The towns of Ashland, Caribou, Castle Hill, Easton, Fort Fairfield, Limestone, Mapleton,

Mars Hill, Van Buren, Washburn, Westfield, the Plantations of Caswell and Hamlin, and the city of Presque Isle, all in Aroostook County.

41. Bucks County (Bristol-Morrisville), Pennsylvania.

The townships of Bensalem, Bristol, Falls, Middletown, Lower Makefield, Upper Makefield, Newton, Northampton, Wrightstown, the boroughs of Bristol, Hulmeville, Langhorne, Langhorne Manor, South Langhorne, Morrisville, Newton, Pennel, Tulleytown, and Yardley, all in Bucks County.

Amendment 2. The footnotes key numbered 1 and 2 of Area Program Number 1 appearing at page 10963 are amended by eliminating from the first sentence in each of said footnotes the words "is in addition to" and inserting instead the word "includes."

Amendment 3. Area Program Number 1 appearing at page 10963 is amended by adding footnote 3 after footnote 2, as follows:

*No future application will be approved under this program if the proposed rental exceeds \$65.00 per month for 2-bedroom units or \$75.00 per month for 3-bedroom units.

Amendment 4. Area Program Number 10 appearing at page 10965 is amended by changing the number of 2-bedroom units for sale from 150 to 225, the number of 3-bedroom units for sale from 150 to 200, the total number of units for sale from 300 to 425, and the total number for rent and for sale from 600 to 725.

Amendment 5. Area Program Number 13 appearing at page 10966 is amended by changing the number of 1-bedroom units for rent from 20 to 40, and the rental therefor from a rental not to exceed \$60 to a rental not to exceed \$50; the number of 2-bedroom units for rent from 60 to 100, and the rental therefor from a rental not to exceed \$70 to a rental not to exceed \$60; the number of 3-bedroom units for rent from 20 to 60, and the rental therefor from a rental not to exceed \$80 to a rental not to exceed \$70. Said Area Program Number 13 is further amended by eliminating all reference to sales units. As thus amended, Area Program Number 13 provides for a total of 200 units for rent and none for sale.

Amendment 6. Area Program Number 19, appearing at page 10967 is amended by changing the number of 1-bedroom units for rent from 40 to 20, and the rental therefor from a rental not to exceed \$50 to a rental not to exceed \$60; the number of 2-bedroom units for rent from 100 to 60, and the rental therefor from a rental not to exceed \$60 to a rental not to exceed \$70; the number of 3-bedroom units for rent from 60 to 20, and the rental therefor from a rental not to exceed \$70 to a rental not to exceed \$80. This program is further amended by providing the following sales units at the prices designated (the area program as initially published made no provision for sales units): 60 two-bedroom units at a sales price not to exceed \$8,000 and 40 three-bedroom units for sale at a sales price not to exceed \$9,000. The total number of units for rent is changed by this amendment from 200 to 100. The total number of dwelling units provided,

44. Camp Polk, Louisiana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	160	\$65.00			160
2 bedrooms.....	90	75.00			90
3 or more bedrooms.....					
Total.....	250				250

LIST OF DEFENSE ACTIVITIES

of this program preference will be given to locations in Leesville and De Ridder.

Camp Polk.

CRITICAL DEFENSE HOUSING AREA

Vernon Parish and wards 2, 3, 4, 5, 7, and 8, including Merryville town and De Ridder city in Beauregard Parish. For the purposes

tertia contained in Credit Regulation 3.

45. Camp Breckenridge, Kentucky.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	15	\$52.50			15
2 bedrooms.....	120	65.00	40	\$7,500	160
3 or more bedrooms.....	15	77.50	10	8,750	25
Total.....	150		50		200

LIST OF DEFENSE ACTIVITIES

given to locations in Sturgis, Morganfield, Dixon and Henderson and their environs.

Camp Breckenridge.

CRITICAL DEFENSE HOUSING AREA

Union and Henderson Counties. For the purposes of this program, preference will be

tertia contained in Credit Regulation 3.

46. Fort Dix, New Jersey.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	125	\$57.50			125
2 bedrooms.....	450	67.50	100	\$8,000	550
3 or more bedrooms.....	75	80.00	50	9,500	125
Total.....	650		150		800

however (whether of rental or sales), remains the same, namely 200.

AMENDMENT ADDING NEW DEFENSE HOUSING PROGRAMS

Notice of Housing Programs and Relaxation of Credit Controls in Critical

42. Hartford, Connecticut.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	300	\$65.00			300
2 bedrooms.....	900	75.00	500	\$10,500	1,400
3 or more bedrooms.....			300	11,500	300
Total.....	1,200		800		2,000

LIST OF DEFENSE ACTIVITIES

United Aircraft Corporation:
Pratt and Whitney Division.
Hamilton Standard Propeller Division.
Niles-Bement-Pond Company.
Colt's Manufacturing Company.
Arrow-Hart & Hegeman Electric Company
Veeder Root, Inc.

Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield and Windsor in Hartford County and the town of Bolton in Tolland County. For the purposes of this program preference will be given to locations in East Hartford and communities in close proximity to the aircraft industry in East Hartford and their environs.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

CRITICAL DEFENSE HOUSING AREA

The towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester,

43. Camp Pickett, Virginia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....					
2 bedrooms.....	100	\$65.00			100
3 or more bedrooms.....					
Total.....	100				100

LIST OF DEFENSE ACTIVITIES

Camp Pickett, Virginia.

CRITICAL DEFENSE HOUSING AREA

Nottaway County, Lunenburg County, the districts of Red Oak, Sturgeon, and Totaro in Brunswick County, and the district of Darvills in Dinwiddie County. For the pur-

poses of this program, preference will be given to locations in Kenbridge, Blackstone, and Crewe and their environs.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

49. Benton, Arkansas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	20	\$30.00	35	\$7,000	30
2 bedrooms.....	140	60.00	15	8,000	175
3 or more bedrooms.....	40	70.00			55
Total.....	200		50		250

LIST OF DEFENSE ACTIVITIES

Reynolds Mining Corporation.
Aluminum Ore Company.
Norton Company.
Reynolds Metals Company.
CRITICAL DEFENSE HOUSING AREA
Saline County. For the purpose of this program, preference will be given to locations in Benton and its environs. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

50. Cocoa-Melbourne, Florida.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	50	\$15.00	275	\$8,000	355
2 bedrooms.....	20	35.00	125	9,200	145
3 or more bedrooms.....					
Total.....	100		400		500

LIST OF DEFENSE ACTIVITIES

Patrick Air Force Base.
CRITICAL DEFENSE HOUSING AREA
Brevard County. For the purposes of this program, preference will be given to locations in Melbourne, Eau Gallie, Titusville, Cocoa, and Rockledge and their environs. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

51. Babbitt, Minnesota.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....					
2 bedrooms.....	40	\$90.00			40
3 or more bedrooms.....	30	75.00			30
Total.....	70				70

boro, the cities of Beverly, Bordentown, and Burlington; and the boroughs of Fieldsboro, Medford Lakes, Palmyra, Pemberton, Rivertown, Wrightstown in Burlington County; the townships of Plumsted, Jackson, Lakewood, Brick, Manchester, Berkeley and Dover, and the boroughs of Lakehurst, South Toms River, Beachwood, Pine Beach, Ocean Gate and Island Heights in Ocean County.

CRITICAL DEFENSE HOUSING AREA

The townships of Bordentown, Burlington, Chesterfield, Cinnaminson, Delanco, Delran, Eastampton, Edgewater Park, Evesham, Florence, Hainesport, Lumberton, Mansfield, Mapleshade, Medford, Moorestown, Mount Holly, Mount Laurel, New Hanover, North Hanover, Pemberton, Riverside, Southampton, Springfield, Westampton and Willing-

47. Camp Rucker, Alabama.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....					
2 bedrooms.....	100	\$65.00			100
3 or more bedrooms.....					
Total.....	100				100

LIST OF DEFENSE ACTIVITIES

Camp Rucker.
CRITICAL DEFENSE HOUSING AREA
Dale County, Coffee County, and Houston County. For the purposes of this program preference will be given to locations in Ozark, Enterprise, and Dothan and their environs. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

48. Topeka, Kansas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	125	\$87.50			125
2 bedrooms.....	250	75.00	175	\$8,250	425
3 or more bedrooms.....	125	85.00	75	9,500	200
Total.....	500		250		750

LIST OF DEFENSE ACTIVITIES

Forbes Air Force Base.
CRITICAL DEFENSE HOUSING AREA
Shawnee County. For the purposes of this program preference will be given to locations in Topeka and its environs. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

54. Aberdeen, Maryland.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	50	\$65.00			50
2 bedrooms.....	110	77.00	35	\$8,750	145
3 or more bedrooms.....	20	85.00	15	9,500	35
Total.....	180		50		230

1 60 of these units not to exceed \$70.00.
2 10 of these units not to exceed \$78.00.

LIST OF DEFENSE ACTIVITIES

Aberdeen Proving Grounds.
Army Chemical Center, Edgewood.

CRITICAL DEFENSE HOUSING AREA

Harford County. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

55. Bainbridge-Elkton, Maryland.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	35	\$65.00			35
2 bedrooms.....	175	77.00	15	\$8,750	90
3 or more bedrooms.....	20	85.00	5	9,500	25
Total.....	130		20		150

1 45 of these units not to exceed \$70.00.
2 10 of these units not to exceed \$78.00.

LIST OF DEFENSE ACTIVITIES

Bainbridge Naval Training School.
American Powder Company.
Aerial Products Company.

CRITICAL DEFENSE HOUSING AREA

Cecil County. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

56. Astoria, Oregon.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	10	\$60.00			10
2 bedrooms.....	20	70.00	20	\$8,320	40
3 or more bedrooms.....			10	9,250	10
Total.....	30		30		60

the purposes of this program preference will be given to locations in Babbitt, Minnesota. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

52. Lorain, Ohio.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	350	\$77.50			350
2 bedrooms.....	50	85.00			50
3 or more bedrooms.....					
Total.....	400				400

LIST OF DEFENSE ACTIVITIES

National Tube Company.
American Ship-Building Company.
Fruehauf Trailer Company.
The Shovel Company.
American Stove Company.
B. F. Goodrich Chemical Company.
Bendix-Westinghouse Company.

CRITICAL DEFENSE HOUSING AREA

Lorain County. For the purposes of this program, preference will be given to locations in Lorain and Elyria and their environs. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

53. Rapid City-Sturgis, South Dakota.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	60	\$65.00			60
2 bedrooms.....	165	75.00			165
3 or more bedrooms.....	75	85.00			75
Total.....	300				300

LIST OF DEFENSE ACTIVITIES

Rapid City Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Township 1 north and township 2 north in ranges 7 east to 9 east, both inclusive, and township 1 south in ranges 7 and 8 east, including Rapid City in Pennington County;

and that part of Meade County lying west of the Black Hills Guide Meridian. For the purposes of this program preference will be given to locations in Rapid City and its environs.

Advance announcement will be made of eligible applicants in accordance with criteria contained in Credit Regulation 3.

59. Tucson, Arizona.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	130	\$60.00	225	\$8,500	130
2 bedrooms.....	390	70.00	125	9,500	615
3 or more bedrooms.....	130	80.00			255
Total.....	650		350		1,000

LIST OF DEFENSE ACTIVITIES

given to the availability of adequate community facilities and services.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

Hughes Aircraft Company.
Grand Central Aircraft Company.
Davis-Monthan Air Force Base.
Marana Air Flight School.

CRITICAL DEFENSE HOUSING AREA

NOTE: Program number 60 has been reserved for Mountain Home, Idaho, Area. When this program is developed and prepared it will be published in the Federal Register as an additional new defense housing program.

Districts 1 and 2 of Prima County, including Tucson city. For the purposes of this program, preference will be given to locations in established communities nearest the defense activities, with consideration to be

61. Marysville-Yuba, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	20	\$55.00	65	\$8,500	20
2 bedrooms.....	65	65.00	60	9,500	130
3 or more bedrooms.....	40	75.00			100
Total.....	125		125		250

LIST OF DEFENSE ACTIVITIES

be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

Beale Air Force Base.

CRITICAL DEFENSE HOUSING AREA
Yuba County and the township of Yuba in Sutter County. Advance announcement will

62. Fort Campbell, Kentucky.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	100	\$45.00			100
2 bedrooms.....	350	55.00			350
3 or more bedrooms.....	50	65.00			50
Total.....	500				500

4, all in Clatsop County. For the purposes of this program preference will be given to locations in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

57. Inyokern-Ridgecrest-China Lake, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	75	\$60.00	50	\$9,000	75
2 bedrooms.....	150	75.00	50	10,000	250
3 or more bedrooms.....	25	90.00			75
Total.....	250		100		350

LIST OF DEFENSE ACTIVITIES

consideration to be given to the availability of adequate community facilities and services.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

Naval Ordnance Test Station.

CRITICAL DEFENSE HOUSING AREA

Townships 1 and 10 in Kern County. For the purposes of this program preference will be given to locations in established communities nearest the defense activities, with

58. Braidwood (Joliet), Illinois.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	15	\$72.50	40	\$10,250	15
2 bedrooms.....	115	77.50	10	11,250	155
3 or more bedrooms.....	20	85.00			30
Total.....	150		50		200

LIST OF DEFENSE ACTIVITIES

CRITICAL DEFENSE HOUSING AREA
Will County and the village of Stegar in Cook County. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

Ordnance Ammunition Center.
Joliet Arsenal.
U. S. Rubber Company.

65. Camp Stewart, Georgia.

Unit size	NEEDED DEFENSE HOUSING			Total, rent and sale
	Rent		Sale	
	Number of units	Rental not to exceed	Number	Price not to exceed
1 bedroom.....	30	\$70.00		
2 bedrooms.....				
3 or more bedrooms.....				
Total.....	30			30

LIST OF DEFENSE ACTIVITIES
Army Anti-Aircraft Training Area.
CRITICAL DEFENSE HOUSING AREA

Long and Liberty Counties. For the purposes of this program preference will be given to locations in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

Note: Program number 66 has been reserved for Fort Benning, Georgia. When this program is developed and prepared it will be published in the FEDERAL REGISTER as an additional new defense housing program.

67. Rantoul (Chanute Air Force Base), Illinois.

Unit size	NEEDED DEFENSE HOUSING			Total, rent and sale
	Rent		Sale	
	Number of units	Rental not to exceed	Number	Price not to exceed
1 bedroom.....	75	\$85.00		75
2 bedrooms.....	150	75.00		275
3 or more bedrooms.....	75	85.00		150
Total.....	300		200	500

LIST OF DEFENSE ACTIVITIES
Chanute Air Force Base.

CRITICAL DEFENSE HOUSING AREA
Champaign and Vermilion Counties. For the purposes of this program preference will be given to locations in established communities nearest the defense activities, with

consideration to be given to the availability of adequate community facilities and services.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

68. Indiantown Gap, Pennsylvania.

Unit size	NEEDED DEFENSE HOUSING			Total, rent and sale
	Rent		Sale	
	Number of units	Rental not to exceed	Number	Price not to exceed
1 bedroom.....	100	\$77.00		
2 bedrooms.....				
3 or more bedrooms.....				
Total.....	100			100

LIST OF DEFENSE ACTIVITIES
Fort Campbell.
Campbell Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Christian County, Kentucky, and Montgomery County, Tennessee. For the purposes of this program preference will be

63. Fort Sill, Lawton, Oklahoma.

Unit size	NEEDED DEFENSE HOUSING			Total, rent and sale
	Rent		Sale	
	Number of units	Rental not to exceed	Number	Price not to exceed
1 bedroom.....	125	\$80.00		125
2 bedrooms.....	425	75.00		575
3 or more bedrooms.....	200	85.00		300
Total.....	750		250	1,000

LIST OF DEFENSE ACTIVITIES

Fort Sill.
CRITICAL DEFENSE HOUSING AREA
Comanche County. Advance announce-

ment will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

64. Camden-Shumaker, Arkansas.

Unit size	NEEDED DEFENSE HOUSING			Total, rent and sale
	Rent		Sale	
	Number of units	Rental not to exceed	Number	Price not to exceed
1 bedroom.....	50	\$50.00		50
2 bedrooms.....	125	60.00		300
3 or more bedrooms.....	75	70.00		150
Total.....	250		250	500

LIST OF DEFENSE ACTIVITIES

Shumaker Naval Ammunition Depot.
Naval Reserve Training Center.

CRITICAL DEFENSE HOUSING AREA

Ouachita and Calhoun Counties. For the purposes of this program preference will be given to locations in established communi-

ties nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

71. Alexandria, Louisiana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	10	\$25.00			10
2 bedrooms.....	75	65.00			75
3 or more bedrooms.....	15	75.00			15
Total.....	100				100

LIST OF DEFENSE ACTIVITIES

locations in Alexandria and Pineville and their environs.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with this program, preference will be given to criteria contained in Credit Regulation 3.

CRITICAL DEFENSE HOUSING AREA

Parish of Rapides. For the purposes of this program, preference will be given to criteria contained in Credit Regulation 3.

72. Lake Charles, Louisiana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	100	\$20.00			100
2 bedrooms.....	250	75.00			250
3 or more bedrooms.....	50	85.00	35	\$8,250	115
Total.....	400		100	9,500	500

LIST OF DEFENSE ACTIVITIES

program, preference will be given to locations in Lake Charles and its environs.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

CRITICAL DEFENSE HOUSING AREA

Calcasieu Parish and wards 1 and 6 of Beauregard Parish. For the purposes of this program, preference will be given to criteria contained in Credit Regulation 3.

4A. San Diego and Oceanside, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	1,730	\$65.00			1,730
2 bedrooms.....	1,020	75.00			1,020
3 or more bedrooms.....	1,130	85.00	40	\$9,240	1,010
Total.....	1,880		920		2,800

¹ The total distribution of 1-bedroom units for this program and the previous program is hereby changed to 200 at a rental not to exceed \$45, 800 not to exceed \$55 and 600 not to exceed \$65.

² The total distribution of 2-bedroom units for this program and the previous program is hereby changed to 400 at a rental not to exceed \$55, 2,075 not to exceed \$65 and 1,400 not to exceed \$75.

³ The total distribution of 3 or more bedroom units for this program and the previous program is hereby changed to 100 at a rental not to exceed \$85, 325 not to exceed \$75, and 300 not to exceed \$85.

⁴ The total distribution of 2-bedroom units for this program and the previous program is hereby changed to 725 at a price not to exceed \$8,500 and 700 not to exceed \$9,200.

⁵ The total distribution of 3 or more bedroom units for this program and the previous program is hereby changed to 925 at a price not to exceed \$9,500 and 750 not to exceed \$10,200.

⁶ This quota is in addition to the quota of 6,700 units provided in Defense Housing Program No. 4.

the defense activities, with consideration to be given to the availability of adequate community facilities and services.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

CRITICAL DEFENSE HOUSING AREA

County of Lebanon. For the purposes of this program preference will be given to locations in established communities nearest

69. Fort Knox, Kentucky.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	25	\$25.00			25
2 bedrooms.....	225	70.00	175	\$8,250	400
3 or more bedrooms.....	50	85.00	25	9,500	75
Total.....	300		200		500

LIST OF DEFENSE ACTIVITIES

locations in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

CRITICAL DEFENSE HOUSING AREA

Magisterial districts 1, 4, 5, and 6 in Hardin County, magisterial districts 1, 2, 3, and 4 in Meade County, and magisterial districts 1 and 4 in Bullitt County. For the purposes of this program preference will be given to criteria contained in Credit Regulation 3.

70. Gulfport-Biloxi-Pascagoula, Mississippi.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	100	\$30.00			100
2 bedrooms.....	400	60.00			400
3 or more bedrooms.....	200	70.00			200
Total.....	700				700

LIST OF DEFENSE ACTIVITIES

be given to locations in Biloxi, Gulfport and Ocean Springs and their environs for 550 of the programmed units and in Pascagoula and its environs for the remaining 150 units.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

CRITICAL DEFENSE HOUSING AREA

Jackson and Harrison Counties. For the purposes of this program, preference will

11A. Norfolk-Portsmouth, Virginia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	240	\$60.00			240
2 bedrooms.....	60	70.00			60
3 or more bedrooms.....	300				1 300
Total.....					

¹ This quota is in addition to the quota of 3,000 units provided in Defense Housing Program No. 11.

LIST OF DEFENSE ACTIVITIES

Armed Forces Installations on the south side of Hampton Roads.

CRITICAL DEFENSE HOUSING AREA

Norfolk and Princess Anne Counties and the independent cities of Norfolk, South Norfolk, and Portsmouth. For the purposes

of this program, preference will be given to locations on the east side of the Elizabeth River and Inland Waterway in the city of Portsmouth and its environs.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

12A. Newport News, Virginia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	500	\$45.00			500
2 bedrooms.....	500				1 500
3 or more bedrooms.....					
Total.....					

¹ This quota is in addition to the quota of 750 units provided in Defense Housing Program No. 12.

LIST OF DEFENSE ACTIVITIES

Newport News Shipbuilding & Dry Dock Company.

Fort Monroe.

Fort Eustis.

Langley Field.

Naval Mine Warfare School and Depot.

Naval Supply Depot E.

CRITICAL DEFENSE HOUSING AREA

Elizabeth City, Warwick, and York Counties, and the independent cities of Newport News and Hampton.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

14A. Wichita, Kansas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	200	\$75.00	200	\$8,500	400
2 bedrooms.....	200		100	9,500	100
3 or more bedrooms.....					
Total.....	200		300		1 500

¹ This quota is in addition to the quota of 2,000 units provided in Defense Housing Program No. 14.

CRITICAL DEFENSE HOUSING AREA

That part of San Diego County west of the San Bernardino meridian. For the purposes of this program preference will be given to locations in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

LIST OF DEFENSE ACTIVITIES

All Naval Installations (including Naval Air Station at Miramar)

Consolidated-Vultee Aircraft Company.

Solar Aircraft Company.

Ryan Aircraft Company.

Rohr Aircraft Company.

Camp Elliot.

Camp Pendleton.

9A. Lone Star, Texas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....	50	\$60.00			50
2 bedrooms.....					
3 or more bedrooms.....	50				1 50
Total.....					

¹ This quota is in addition to the quota of 100 units provided in Defense Housing Program No. 9.

LIST OF DEFENSE ACTIVITIES

Lone Star Steel Company.

CRITICAL DEFENSE HOUSING AREA

Camp and Morris Counties, precincts 1, 2, and 8 in Cass County, including Hughes Springs, Linden and Avinger, precincts 1, 2, and 6 in Marion County and precincts 1, 4, 5, 6, and 7 in Titus County, including Mount Pleasant.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

10A. Brazoria County, Texas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....			75	\$8,000	75
2 bedrooms.....			50	9,000	50
3 or more bedrooms.....					
Total.....			125		1 125

¹ This quota is in addition to the quota of 600 units provided in Defense Housing Program No. 10.

LIST OF DEFENSE ACTIVITIES

Stauffer Chemical Company.

Freeport Sulphur Company.

Dow Chemical Company.

Jefferson Lake Sulphur Company.

Phillips Oil Company Refinery.
Abercrombie Oil Company Plant.

CRITICAL DEFENSE HOUSING AREA

Brazoria County.

LIST OF DEFENSE ACTIVITIES

Boeing Aircraft Company.
Beech Aircraft Company.
Cessna Aircraft Company.
Swallow Aircraft Company.
Wichita Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Sedgewick County. Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

30A. Mineral Wells, Weatherford, Texas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....		\$57.50			
2 bedrooms.....	40	67.50	40	\$8,000	80
3 or more bedrooms.....	10	77.50	10	9,000	20
Total.....	50		50		100

¹ This quota is in addition to the quota of 100 rental units provided in Defense Housing Program No. 30. Units recaptured from applicants under Program No. 30 may be reissued in accordance with established criteria at rentals not to exceed those established herein.

LIST OF DEFENSE ACTIVITIES

Walters Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Palo Pinto and Parker Counties. For the purposes of this program preference will be given to locations in established communities

nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

52A. Lorain, Ohio.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom.....					
2 bedrooms.....			65	\$10,250	65
3 or more bedrooms.....			35	11,250	35
Total.....			100		100

¹ This quota is in addition to the quota of 400 rental units provided in Defense Housing Program No. 52.

LIST OF DEFENSE ACTIVITIES

National Tube Company.
American Ship-Building Company.
Fruehauf Trailer Company.
Thew Shovel Company.
American Stove Company.
B. F. Goodrich Chemical Company.
Bendix-Westinghouse Company.

CRITICAL DEFENSE HOUSING AREA

Lorain County. For the purposes of this program, preference will be given to locations in Lorain and Elyria and their environs.

Advance announcement will be made of the date for acceptance of applications and authorizations will be distributed among eligible applicants in accordance with criteria contained in Credit Regulation 3.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance
Administrator.

NOVEMBER 21, 1951.

[F. R. Doc. 51-14167; Filed, Nov. 27, 1951;
8:52 a. m.]

RENEGOTIATION BOARD

STATEMENT OF ORGANIZATION

The Renegotiation Board has been organized pursuant to the provisions of section 107, Public Law 9, 82d Cong., to administer the Renegotiation Act of 1951. The Board consists of John T. Koehler, Chairman, John H. Joss, Lawrence E. Hartwig, and Frank L. Roberts,

Members. Communications should be addressed to the Renegotiation Board, Washington 25, D. C.

JOHN T. KOEHLER,
Chairman.

NOVEMBER 23, 1951.

[F. R. Doc. 51-14160; Filed, Nov. 27, 1951;
8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-226]

ALLEGANY GAS CO.

ORDER DECLARING THAT COMPANY HAS CEASED
TO BE A HOLDING COMPANY

NOVEMBER 21, 1951.

Allegany Gas Company ("Allegany"), a registered holding company having filed an application with this Commission for an order declaring that it has ceased to be a holding company, which application represents in substance as follows:

Allegany, now merged and consolidated into North Penn Gas Company ("North Penn"), was, until April 1951, a member company in the holding company system headed by Pennsylvania Gas & Electric Corporation ("Penn Corp"). Penn Corp registered with this Commission as a holding company in November 1935. In December 1938,

North Penn, a direct subsidiary of Penn Corp, also registered as a holding company. Allegany until its merger and consolidation was a direct subsidiary of North Penn. During December 1949, Allegany acquired from Penn Corp all of the common stock of Crystal City Gas Company, an operating gas utility company located in and around Corning, New York, and in January 1950, Allegany registered with this Commission as a holding company.

As of December 31, 1950, Allegany and certain of its associate companies, pursuant to an agreement of merger and consolidation dated December 7, 1950, were merged and consolidated into North Penn under the applicable laws of the Commonwealth of Pennsylvania. (See Holding Company Act Release No. 10519.) As a result, all of Allegany's assets were acquired by, and all of its liabilities were assumed by North Penn, and Allegany has ceased to have a separate corporate existence.

The Commission having issued a notice of filing in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding that Allegany has ceased to be a holding company:

It is ordered, Pursuant to section 5 (d) of the act that Allegany has ceased to be a holding company.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-14135; Filed, Nov. 27, 1951;
8:47 a. m.]

[File No. 70-2724]

CENTRAL MAINE POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF
BONDS AND SHARES OF COMMON STOCK AT
COMPETITIVE BIDDING

NOVEMBER 21, 1951.

Central Maine Power Company ("Central Maine"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, with respect to the following transactions:

Central Maine proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$7,000,000 principal amount of First and General Mortgage Bonds, Series T, -- percent due 1981. The bonds will be issued and secured under the company's First and General Mortgage, as amended and supplemented. The interest rate and the price to be received by the company will be determined at competitive bidding.

Central Maine also proposes to issue and sell 315,146 additional shares of Common Stock, \$10 par value, at a price per share not less than the par value thereof. The shares will be offered first to holders of the company's outstanding common stock and 6 percent preferred stock for subscription on warrants, under

their statutory preemptive rights, on the basis of one new share for each seven shares of outstanding common stock and five new shares for each seven shares of outstanding 6 percent preferred stock. No fractional shares of common stock will be issued. NEPSCO has advised the company that as holder of 48.46 percent of the company's common stock, it has waived its preemptive rights and all requirements imposed upon the company thereunder, thereby making 150,740 shares of the new stock available for delivery to the successful bidders prior to the expiration date of the warrants. The price to be paid to the company for the unsubscribed shares and the shares for which NEPSCO has waived its rights, which shall also be the subscription price to the above stockholders, and the amount of compensation to be paid to the underwriters, will be determined at competitive bidding.

The application states that the bonds and common stock will be offered for sale separately and that in no case will the sale of the particular security be subject to or contingent upon the sale of the other security.

The proceeds from the sale of the securities will be used to pay the company's outstanding short-term notes (aggregating \$7,500,000 as of November 16, 1951) incurred in connection with its construction program and for further construction and other corporate purposes.

The Public Utilities Commission of Maine has authorized the proposed transactions subject to approval of the results of competitive bidding. Fees and expenses to be incurred by Central Maine in connection with the proposed transactions are estimated at \$65,169 for the bonds, including legal fees and expenses of \$17,000, and \$61,980 for the common stock, including legal fees and expenses of \$20,500. The fees and expenses of independent counsel for the underwriters will be paid by the successful bidders. The applicant requests that the Commission's order herein become effective upon its issuance.

Due notice having been given of the filing of the application and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, effective forthwith, without the imposition of terms and conditions, other than those specified below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and it hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed sales of bonds and common stock by Central Maine shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, and a final order of the Public Utilities Commission of Maine

approving same, shall have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose;

(2) That jurisdiction be, and hereby is, reserved with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-14134; Filed, Nov. 27, 1951;
8:46 a. m.]

[File No. 812-750]

BROADWALL SECURITIES, INC.

NOTICE OF APPLICATION

NOVEMBER 21, 1951.

Notice is hereby given that Broadwall Securities, Inc. ("applicant"), 67 Wall Street, New York 5, New York, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting the applicant from all of the provisions of the act.

Applicant is a Delaware corporation and all of its outstanding stock, 1,000 shares having a par value of \$100 per share, is owned by Providentia, Ltd., a Delaware corporation. Applicant is not now making and does not propose to make any public offering of its securities.

The applicant represents that the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act within the meaning of section 6 (c).

Applicant agrees that if and so long as the exemption requested shall be granted and shall be in effect it will (1) file annual reports, advices and other reports to the same extent as is required by provisions (a), (c) and (d) of the Commission's order dated October 15, 1946 (Investment Company Act of 1940, Release No. 954) with respect to Providentia, Ltd., The Nineteen Corporation and Instoria, Inc. (File Nos. 812-192, 812-193 and 812-194) and (2) within 30 days after receipt from the Commission of a request therefor, file with the Commission a report setting forth as of the end of the quarterly period next preceding the date of such request, such information as will be required by the Commission's Form N-30B-1.

All interested persons are referred to said application which is on file in the offices of this Commission for a more detailed statement of the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after December 12, 1951, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promul-

gated under the act. Any interested person may, not later than December 10, 1951, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon, or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-14133; Filed, Nov. 27, 1951;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26576]

COAL FROM TENNESSEE, KENTUCKY, VIRGINIA, AND WEST VIRGINIA, TO POINTS IN SOUTH CAROLINA

APPLICATION FOR RELIEF

NOVEMBER 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to the application and carriers respondents and defendants in Docket No. 30715 (mimeographed) decided September 13, 1951.

Commodities involved: Coal, in carloads.

From: Mines in Tennessee, Kentucky, Virginia, and West Virginia.

To: Travelers Rest, S. C., and certain other points in South Carolina.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-14159; Filed, Nov. 27, 1951;
8:51 a. m.]